



City of Arkansas City

CITY COMMISSION MEETING AGENDA

Tuesday, February 01, 2022 at 5:30 PM — 118 W. Central Ave., Arkansas City, KS

Please join my meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/915594901>

You can also dial in using your phone: (571) 317-3112

Access Code: 915-594-901

I. Routine Business

1. Roll Call
2. Opening Prayer and Pledge of Allegiance
3. Additions or Deletions (**Voice Vote**)
4. Approval of the Agenda (**Voice Vote**)

II. Recognition of Visitors

III. Comments from the Audience for Items Not on the Agenda

Per the Kansas Open Meetings Act, the City Commission is not required to entertain any comments from the public during any meeting.

*The following rules **must** be strictly adhered to by all citizens wishing to speak during a virtual/hybrid meeting, **whether they are on the agenda or recognized by the Mayor during the meeting itself:***

- Each speaker will state his or her name and address before making any comments.
- Each speaker will have three (3) minutes to present his or her comments.
- Comments or questions will be directed only to the City Commission.
- Debate or argument between parties in the audience will not be allowed. **“Logged in” citizens will remain muted during the meeting, unless recognized and called upon specifically by the Mayor.**
- Repeated reiterations by speakers will not be allowed.
- Violations of comment procedure will result in being directed to cease speaking or being muted.

IV. Consent Agenda (Voice Vote)

Note: All matters listed below on the Consent Agenda are considered under one motion and enacted by one motion. There should be no separate discussion. If such discussion is desired, any item may be removed from the Consent Agenda and then considered separately under Section VII: New Business.

1. Approve the January 18, 2022, regular meeting minutes as written.

V. Old Business

1. Consider a Resolution adopting by reference the Personnel Policies and Guidelines Manual for the City of Arkansas City. (**Voice Vote**)

VI. New Business

Ordinances for Consideration

1. Consider first reading of a Charter Ordinance exempting the City of Arkansas City, Kansas from provisions of K.S.A. 14-1502 as it relates to the residency requirement for appointed officers. (**Roll Call Vote**)
2. Consider an Ordinance authorizing the rezoning of 600 S. B Street from P (Public Use District) to C-1 (Office and Service Business District). (**Roll Call Vote**)

Resolutions for Consideration

1. Consider a Resolution authorizing the City of Arkansas City to approve Change Order No. 2 with Wildcat Construction Co., Inc., regarding repairs/maintenance to the North Pressure Zone High Service Pump Station, for an amount not to exceed \$8,207.90. **(Voice Vote)**

VII. Staff Report Presentations

City Manager's Report on Upcoming Activities

1. North Summit Street pre-bid conference
2. Downtown "visioning session" Feb. 5
3. RISE Cowley steering committee
4. Cowley County Legislative Committee
5. City Commission study session

Department Reports

1. Neighborhood Services Division - Consider a letter of interest to participate in the National Flood Insurance Program Community Rating System.

VIII. Communications and Reports

1. City Advisory Board Reports

IX. Adjournment



City Commission Agenda Item

Meeting Date: February 1, 2022
From: Andrew Lawson, Public Information Officer
Item: Approving January 18, 2022 Minutes

Purpose: Consent Agenda Item: Approve the January 18, 2022, regular meeting minutes as written.

Background:

Each meeting, the City Commission reviews and approves the minutes of its prior meeting(s).

Commission Options:

- 1. Approve with consent agenda.
- 2. Remove item from consent agenda for further consideration.

Attachments:

- 1. January 18, 2022 Regular Minutes

Approved for Agenda by:

A handwritten signature in black ink, appearing to read "Randy Frazer", is written over a horizontal line.

Randy Frazer, City Manager

City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. Monday, January 18, 2022**, in the Commission Room at City Hall, located at 118 W. Central Ave. in Ark City.

Mayor **Kanyon Gingher** called the meeting to order. Commissioners also present at roll call were Commissioners **Scott Rogers, Diana Spielman** and **Jay Warren**. Commissioner **Charles Jennings** was absent.

City employees present were City Manager **Randy Frazer**, City Attorney **Larry Schwartz**, City Clerk **Lesley Shook**, Public Information Officer **Andrew Lawson**, Police Chief **Eric Burr**, Environmental Services Superintendent **Rod Philo** and Building Official **Mike Bellis**.

Citizens observing in person or via GoToMeeting included **Chet Compton, Ken Harader, Justin Hirst, Miley Hirst, Ron Hirst, Tracy Hirst, Paisley Howerton, Jill Hunter, Rhonda Jordan, Molly Kuhn Myers**, Pastor **Jimmy McCullough, Duane Oestmann** and **Beth Schmith**.

Citizen **Miley Hirst** offered the opening prayer. Citizen **Justin Hirst** led the Pledge of Allegiance.

Approval of the Agenda

At City Manager Frazer’s request, Commissioner Warren made a motion to approve the agenda with the removal of a resolution authorizing the City to purchase a 2016 Jeep Cherokee Latitude from Zeller Ford, of Arkansas City, for an amount not to exceed **\$18,236.00**, as **Item 4** of **New Business**. Commissioner Spielman seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Gingher declared the agenda **amended** and **approved**.

Recognition of Visitors

Duane Oestmann, 1337 N. Seventh St., asked the commissioners why multiple bids were not solicited for the Paris Park Pool mechanical evaluation contract that was awarded to Kuhn Mechanical. He encouraged them to seek out multiple bids in the future for this sort of work.

Jimmy McCullough, pastor of Hillcrest Bible Baptist Church, objected to the ongoing development of a private bar and club across the street from his church in the old Dollar General store location.

Consent Agenda

Commissioner Spielman made a motion to approve the consent agenda, consisting of the following:

1. Approving the **January 10, 2022**, regular meeting minutes as written.
2. Approving the **2022 Land Bank** annual report and inventory of property.

Commissioner Warren seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Gingher declared the consent agenda **approved** as presented.

City Commission of Arkansas City - Regular Meeting Minutes

New Business

Kansas Main Street Application Resolution No. 2022-01-3459

City Clerk Shook presented for discussion a resolution authorizing the **Arkansas City Area Chamber of Commerce** and **Arkansas City Main Street Association** to submit an application to become a designated Main Street community through the **Kansas Main Street** program.

Arkansas City Area Chamber of Commerce CEO **Paisley Howerton** said that by approving this resolution, the City Commission would be endorsing the following actions:

- approving the submission of this competitive Kansas Main Street application and agreeing to participate in the Kansas Main Street program, if Arkansas City is selected;
- supporting the goal of economic revitalization of the **Downtown Historic District** within the context of the preservation and rehabilitation of its historic buildings;
- approving the Arkansas City Main Street Association members' participation in all required meetings and training sessions for the Kansas Main Street program;
- approving the Chamber of Commerce and Arkansas City Main Street Association as the organizations to house the **Downtown Revitalization Steering Committee** and serve as the financial conduit for associated grants.

Approval of this item also authorizes Mayor Gingher to sign a letter of support for the application.

Howerton requested **\$30,000** from the City in its **2023** budget as startup funds for the organization, if the Main Street application is ultimately approved and Arkansas City selected for the program.

Commissioner Warren made a motion to approve the resolution as presented. Commissioner Rogers seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Gingher declared the motion **approved** and given **Resolution No. 2022-01-3459**.

WWTP Supplemental Agreement Resolution No. 2022-01-3460

City Clerk Shook presented for discussion a resolution authorizing the City to enter into **Supplemental Agreement No. 1** with **BG Consultants**, of Manhattan, to provide resident construction observation and construction engineering services during construction improvements to the **Wastewater Treatment Plant**, for an amount not to exceed **\$500,000.00**.

Environmental Services Superintendent Philo said BG already has been performing the duties of the owner's representative during the design phase of the **Wastewater Treatment Plant Improvements Project**. This supplemental agreement will allow BG to continue representing the City during the construction improvements phase of the project, he explained.

City Commission of Arkansas City - Regular Meeting Minutes

Commissioner Rogers made a motion to approve the resolution as presented. Commissioner Spielman seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Gingher declared the motion **approved** and given **Resolution No. 2022-01-3460**.

2022 Employee Manual

City Clerk Shook presented for discussion a third reading of a resolution adopting by reference the **Personnel Policies and Guidelines Manual** for the City, to become effective **January 1, 2022**.

Commissioner Rogers said Human Resources Assistant Marla McFarland still needs to make a few additional changes to the proposed manual, based on additional input and questions from the commissioners, before it is ready to be approved.

Commissioner Spielman made a motion to table this item for further discussion **February 1**.

Commissioner Warren seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Gingher declared the motion **approved** and item **tabled** until **Feb. 1**, with no action taken.

City Manager's Report on Upcoming Activities

City Manager Frazer provided the commissioners with the following reminders and updates:

- The next quarterly **Traffic Safety Committee** meeting will be at **10 a.m. January 21** at USD 470's Avery Family Learning Center, located at 2500 N. 15th St. in northwest Arkansas City.
- **Local Government Day** is from **2:30 to 7 p.m. January 26** in Topeka. Frazer will have more information for any commissioners who are participating as part of the City delegation.
- The next **City Commission** study session will be at **noon January 28** in Frazer's office.
- The City Commission will convene as the **Land Bank Board of Trustees** at **5 p.m. February 1** in the commission room at City Hall, prior to its next regular meeting at **5:30 p.m. Feb. 1**.
- The annual **Arkansas City Area Chamber of Commerce banquet** will be from **5 to 10 p.m. February 5** at the historic Burford Theatre, located at 118 S. Summit St. in downtown Arkansas City. (**NOTE:** This event was later postponed indefinitely due to COVID-19.)
- The City was awarded a **Traffic Engineering Assistance Program (TEAP)** grant from the Kansas Department of Transportation to fund in full a traffic study of the area from **Kansas to Osage avenues, between C and Summit streets**, which includes three local schools.
- The City also has been approved for establishing a **Rural Housing Incentive District (RHID)** downtown, as well as another housing-related grant that Frazer cannot yet publicize.
- Frazer shared a **legislative update** from the **Regional Economic Area Partnership (REAP)** of South-Central Kansas and the Police Department's **community involvement report**.

City Commission of Arkansas City - Regular Meeting Minutes

Executive Session

Mayor Gingher made a motion to recess into a **20-minute executive session** for **consultation with City Manager Randy Frazer, City Attorney Larry Schwartz and legal counsel Chet Compton, with Wichita-based Fleeson Goings Attorneys at Law, which would be deemed privileged in the attorney-client relationship,** pursuant to **K.S.A. 75-4319(b)(2),** to discuss **an overview of the Tamara Niles lawsuit,** with the open meeting set to resume at **6:15 p.m.**

Commissioner Warren seconded the motion. A voice vote was **unanimous** in favor of the motion.

The executive session began at **5:55 p.m.** and ended at **6:15 p.m.** Afterward, the commissioners reconvened in the Commission Room. No action was taken following the executive session.

Adjournment

Commissioner Warren made a motion to adjourn the meeting. Commissioner Rogers seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Gingher declared the meeting adjourned at **6:16 p.m.**

**THE CITY OF ARKANSAS CITY
BOARD OF CITY COMMISSIONERS**

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer



City Commission Agenda Item

Meeting Date: February 1, 2022
From: Marla McFarland, Human Resources Division
Item: Personnel Policies and Guidelines Manual for the City of Arkansas City .

Purpose: Consider a Resolution adopting by reference the Personnel Policies and Guidelines Manual for the City of Arkansas City. (***Voice Vote***)

Background:

Complete review and update of all personnel related policies.

Commission Options:

1. Approve the Resolution
2. Disapprove the Resolution
3. Table the Resolution for further consideration

Fiscal Impact:

Amount: Estimated additional annual cost approximately : N/A

Fund: N/A Included in budget Grant Bonds Other (explain)

Approved for Agenda by:

Randy Frazer, City Manager

A RESOLUTION ADOPTING BY REFERENCE THE PERSONNEL POLICIES AND GUIDELINES MANUAL FOR THE CITY OF ARKANSAS CITY.

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

SECTION ONE: The Governing Body of the City of Arkansas City hereby adopts and implements the Personnel Policies and Guidelines Manual attached hereto and incorporated by reference as if fully set forth herein.

SECTION TWO: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION THREE: This Resolution will be in full force and effect from its date of passage by the Governing Body of the City of Arkansas City.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this _____ day of _____, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2022-01-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on _____, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk

January 1, 2022

Employee Manual

Newly Created Policies:

- 1. Customer Relations and Communications**
 - a. Customer Relations
 - b. Effective Communication Between City Commissioners and City Employees
 - c. Confidential Information
 - d. Release of Information
 - e. Suggestions
 - f. Open Communication
- 2. Legal Compliance**
 - a. Genetic Anti-Discrimination (GINA)
- 3. Employment Classifications**
 - a. Temporary/Seasonal
 - b. Elected Officials
 - c. Volunteers
- 4. Employee Development and Training**
 - a. Training and Travel Expenses
- 5. Government Required Coverage**
 - a. Unemployment
- 6. Benefits**
 - a. Children's Health Insurance Program Reauthorization Act (CHIPRA)
- 7. Worker's Compensation**
 - a. Authorized Physician
- 8. Cannabidiol (CBD)**
- 9. Technology**
 - a. Computers, Electronic Mail and or Voicemail Usage
- 10. Cellular Phone Use**
- 11. Separation from City Employment**
 - a. Employment References on Former Employees

Changes to Current Policies:

- 1. Recruitment, Selection and Placement**
 - a. Nepotism – added domestic partner.
 - b. Political Activity – new policy but there are no substantial changes from the current policy.
 - c. Dress Code and Personal Appearance - new policy but there are no substantial changes from the current policy.
 - d. Personal and Romantic Relationships - new policy but there are no substantial changes from the current policy.

2. New Employee Information

a. Smoking, Vaping and Smokeless Tobacco

Current Policy:

No employee of the City may use any tobacco products or smoke while at work, except in areas designated by the employer. There shall be no tobacco use in any City vehicles.

Proposed Policy:

It is the policy of the City to comply with all applicable federal, state and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

Smoking and vaping shall not be permitted in any City building or enclosed facility, including but not limited to community buildings, treatment plants, concession areas and restrooms. Tobacco use and e-cigarettes (vaping) are prohibited in city vehicles.

Smoking and vaping shall be permitted only at a reasonable distance of ten (10) feet outside entrances, operable windows and ventilation systems so as to insure that tobacco smoke and vaping odors do not enter those areas.

While using any tobacco and e-cigarette products, employees are not to foul areas immediately adjacent to entrances to buildings, with smoke or debris.

Unless specifically authorized by the department head use of chewing tobacco is not permitted. In cases where the use of chewing tobacco is authorized by the department head employees shall not use chewing tobacco in situations where the use of such would be inappropriate (e.g., in view of the public, meetings, trainings, etc.).

While using chewing tobacco, employees are expected to be very courteous and always properly dispose of the chewing tobacco waste receptacle. At no time are these waste receptacles to be left in city vehicles or stored in the view of others.

3. Benefits

a. Safety Footwear

Current Policy:

Each Department/Division head will determine the appropriate protection required for feet and ankles based on the work assigned to each worker, and ensure each worker wears appropriate footwear.

To determine appropriate protection, the following factors will be considered: slipping, uneven terrain, abrasion, ankle protection and foot support, crushing potential, temperature extremes, corrosive substances, puncture hazards, electrical shock, and any other recognizable hazard.

If a Department/Division Head determines that the employee's position requires reinforced-toe boots or other specific Safety Footwear other than closed-toe street shoes, the employee must purchase the requisite Safety Footwear at his or her own cost and expense; and shall be eligible for a Safety Footwear reimbursement (taxable income). The Safety Footwear reimbursement benefit may be claimed up to one time per calendar year, not to exceed \$200 in a two-calendar-year period. The actual amount, up to \$200 (less applicable payroll taxes); will be reimbursed to the employee as taxable wages, through the payroll process, as required by the Internal Revenue Service (IRS).

Please note: Special Safety Footwear is purchased, at the sole expense of the City, for the use of affected employees of the Fire/EMS Department. Therefore there is no such allowable, reimbursable expense for that Department.

- No slip-on-type boots will be considered acceptable unless ankle support has been incorporated within the manufacturer's design.
- Required Safety Footwear can be purchased at the vendor of the employee's choice.
- Departments/divisions will be responsible for approving the purchase of Safety Footwear.
- Employees shall be responsible for maintaining their Safety Footwear.
- Any lost, stolen or abused footwear will be replaced at the employee's expense.
- Employees who report to work without the proper Safety Footwear shall be subject to discipline, up to and including termination.
- Employees who are not able to wear Safety Footwear for medical reasons must provide a doctor's certificate to the Human Resource Manager requesting exemption from this requirement.
- Supervisors at all levels shall be responsible for insuring compliance with this policy.

Affected employees shall comply with this policy and shall be responsible for properly using, maintaining, and wearing appropriate Safety Footwear.

Process:

- 1) Employee will visit the provider of his or her choice.
- 2) Employee will select Safety Footwear that complies with the requirements noted within this policy.
- 3) Employee will purchase the Safety Footwear with his or her own funds.
- 4) Employee will provide the receipt and the completed, approved Safety Footwear Reimbursement Form, with their timecard, to the Finance Department, via their Department/Division head, for payment.
- 5) The taxable reimbursement will be processed and provided on the employee's next regular payroll check, after receipt of the Safety Footwear Reimbursement Form.
- 6) Applicable income, Social Security and Medicare taxes will be withheld as required by the IRS.

Proposed Policy:

Each department head will determine the appropriate protection required for feet and ankles based on the work assigned to each worker and ensure each worker wears appropriate footwear.

To determine appropriate protection, the following factors will be considered:

1. Slipping
2. Uneven terrain
3. Abrasion
4. Ankle protection
5. Foot support
6. Crushing potential
7. Temperature extremes
8. Corrosive substances
9. Puncture hazards
10. Electrical shock
11. Any other recognizable hazard

No slip-on-type boots will be considered acceptable unless ankle support has been incorporated within the manufacturer's design.

If Safety Footwear is a requirement of the job, employees who are not able to wear Safety Footwear for medical reasons will need to provide a doctor's certificate to the Human Resources Division requesting exemption from this requirement.

If a department head determines the employee's position requires reinforced-toe boots or other specific Safety Footwear other than street shoes, the employee will receive an annual payment of one-hundred-twenty-five dollars (\$125.00) to purchase the required Safety Footwear. This benefit has been "grossed-up" to help insure you receive approximately one-hundred dollars (\$100.00) to spend on Safety Footwear each year.

This payment will be provided on the first Payroll Check of every year. Please be aware this payment is considered taxable income by the Internal Revenue Service (IRS).

Affected employees shall comply with this policy and shall be responsible for properly using, maintaining and wearing appropriate Safety Footwear.

12. Types of Leave

- a. Wellness Day Leave Separation Payments – Proposing to pay out any earned Wellness Day for any type of separation from city employment.
- b. Funeral Leave – added (1) domestic partner; (2) daughter or son of employee's spouse or domestic partner; and (3) any relative in living in the household of the employee.

- 13. Motor Vehicle Operation** – added "In addition, employees operating any vehicle on City business must be covered by the City's vehicle insurance policy (not be excluded due to his or her driving record)."

14. Standards of Conduct

- b. Anti-Bullying Workplace - new policy but there are no substantial changes from the current policy.

- c. Unacceptable Activities - new policy but there are no substantial changes from the current policy.
- 15. Changed policy so that all travel for work is compensated.
- 16. Changed from 1 year back to 6 months for vacation leave payout.
- 17. Waiting period for health and dental – 1st of the month following 30 days of full-time employment.
- 18. Changed some compensatory time accrual limits.
- 19. Change Holiday Banked Time accrual limits.
- 20. Proposing additional holidays.
- 21. Implementing a referral bonus.
- 22. Added deferred comp ROTH option explanation.
- 23. New Technology policy.
- 24. New Social Media policy.

2022

CITY OF ARKANSAS CITY



Employee Manual



Prepared by Marla McFarland
Human Resources
Adopted and Effective February 1, 2022

THIS PAGE IS INTENTIONALLY LEFT BLANK

Table of Contents

- Welcome to the City of Arkansas City 13**
- Mission 14**
- Statement of Organizational Values 14**
- Our History 15**
- What You Can Expect from the City of Arkansas City 16**
- What the City of Arkansas City Expects from You 17**
- Employee Manual Guidance 18**
 - Chapter 1 - Customer Relations and Communications.....19
 - 1.1 Customer Relations.....19
 - 1.2 Effective Communication between the City Commission and City Employees19
 - 1.2.a. Communication Channels19
 - 1.2.b. Role of City Commission19
 - 1.2.c. Respect for the City Commission19
 - 1.2.d. Employee Recommendations20
 - 1.2.e. Commission Policy20
 - 1.3 Employee Council20
 - 1.3.a. Council Structure and Membership20
 - 1.3.b. Member Selection and Terms20
 - 1.3.c. Meetings21
 - 1.4 Confidential Information21
 - 1.5 Release of Information22
 - 1.6 Suggestions22
 - 1.7 Open Communication.....22
 - 1.8 Chain of Command23
 - Chapter 2 - Legal Compliance24
 - 2.1 At-Will Statement24
 - 2.2 Immigration Law24
 - 2.3 Equal Employment Opportunity24
 - 2.4 Americans with Disabilities Act (ADA & ADAAA)25
 - 2.5 Genetic Anti-Discrimination Act (GINA).....25
 - 2.6 Harassment, Sexual Harassment and Retaliation25
 - 2.6.a. Policy Statement on Harassment.....25
 - 2.6.g. Policy Statement on Sexual Harassment26
 - 2.7 Accommodation for Nursing Mothers27
 - Chapter 3 - Bully-Free Workplace.....28
 - 3.1 Definition of Bullying Behavior28

3.2 Types of Bullying Behavior28

 3.2.a. Verbal Bullying28

 3.2.b. Spreading rumors28

 3.2.c. Pushing, shoving, kicking, poking or tripping28

 3.2.d. Gesture Bullying.....28

3.3 Guidelines28

3.4 Procedure29

Chapter 4 - Recruitment, Selection and Placement.....30

4.1 Hiring Authority30

4.2 Posting and Advertisement of Job Openings.....30

4.3 Recently Posted Positions.....30

4.4 External Application Process30

4.5 Internal Application Process30

4.6 Application Process Misrepresentations30

4.7 Minimum Employment Age30

4.8 Bonding.....31

4.9 Entry Level Wage/Salary31

4.10 Nepotism31

Chapter 5 - New Employee Information32

5.1 Loyalty Oath.....32

5.2 Job Descriptions.....32

5.3 Political Activity32

 5.3.a. City Commission Elections32

 5.3.b. Other Elections32

 5.3.c. Policy Limitations33

5.4 Dress Code and Personal Appearance33

5.5 Smoking, Vaping and Chewing Tobacco33

5.6 Outside Employment33

5.7 Response Time Requirements34

5.8 Telephone Service Requirements34

5.9 Gifts.....34

5.10 Misuse of Official Badges and/or Credentials.....35

5.11 Personal and Romantic Relationships35

5.12 Criminal Activities and/or Arrests.....35

Chapter 6 - Employee Records36

6.1 Personnel File36

6.2. Family Status Change.....36

6.2.a. Legal Marital Status Change36

6.2.b. Addition or Reduction in the Number of Dependents.....36

6.3 Medical File.....36

6.4 Satellite File37

6.5 Access to Employee Records37

6.5.a. Overall General Access to Personnel Information37

6.5.b Internal Sharing of Personnel Information38

6.6 Personnel File Custody38

Chapter 7 - Employment Classifications39

7.1 Position Classification Plan39

7.2 Full-Time39

7.3 Part-Time39

7.4 Temporary/Seasonal.....40

7.5 Contract40

7.6 Elected Officials40

7.7 Internships40

7.8 Volunteers40

7.9 Fair Labor Standards Act (FLSA) Status40

7.9.a. Non-Exempt Positions.....40

7.9.b. Exempt Positions40

Chapter 8 - Position Movement42

8.1 Promotion42

8.2 Transfer.....42

8.2.a. Lateral Transfer42

8.2.b. Non-Lateral Transfer42

8.3 Demotion42

8.4 Reclassification43

8.5 Interim Placement43

Chapter 9 - Compensation Plan44

9.1 Basis for Determining Rate of Pay44

9.2 Pay Ordinance.....44

9.3 Pay Range44

9.3.a. Minimum Rate44

9.3.b. Mid-Range Rate44

9.3.c. Maximum Rate.....44

9.4 Cost of Living Adjustment (COLA)44

9.5 Merit Increase.....44

9.6 Fair Labor Standards Act (FLSA)45

- 9.6.a. Minimum Wage45
- 9.6.b. Base Pay Rate.....45
- 9.6.c. Regular Pay Rate45
- 9.6.d. Premium Pay.....45
- 9.6.e. Overtime Pay45
- 9.6.f. Overtime Scheduling46
- 9.6.g. Paid Leave and Overtime Threshold46
- 9.6.h. Compensatory Time.....46
- 9.6.g. Substitution.....47

9.7 Fair Labor Standards Act (FLSA) Exempt.....48

- 9.7.a. Corrective Action for Improper Deductions (Exempt)48

9.8 Rest Periods/Breaks48

9.9 Meal Periods48

9.10 Longevity Pay48

9.11 Call-Out Pay49

9.12 Court Pay49

9.13 Interpreter Pay.....49

Chapter 10 - Performance Evaluation and Merit Increase50

Chapter 11 - Payroll Administration51

- 11.1 Payroll Period.....51
- 11.2 Pay Date.....51
- 11.3 Payroll Check51
 - 11.3.a. Direct Deposit51
 - 11.3.b. Distribution of Payroll Check51
 - 11.3.c. Lost Payroll Check51
- 11.4 Error in Pay51
- 11.5 Overpayment52
- 11.6 Payroll Check Deductions52
- 11.7 Wage Garnishments52
 - 11.7.a. Employer’s Administrative Fee52
- 11.8 Time Keeping Systems/Time Clocks.....52
- 11.9 Timecards53
- 11.10 Daylight Savings Time53
- 11.11 Effective Date for Payroll Changes.....53
- 11.12 Internal Revenue Service (IRS) Taxable Fringe Benefits53
- 11.13 W-2 Forms53

- Chapter 12 - Benefits55
- 12.1 Children’s Health Insurance Program Reauthorization Act (CHIPRA)55
- 12.2 Eligibility for Benefits55
- 12.3 Official Plan Document(s)56
- 12.4 IRS Section 125/Cafeteria Plan/Pre-Tax Benefits56
- 12.5 Plan Year56
- 12.6 Status Changes/Qualifying Events56
- 12.7 Loss of Eligibility.....56
- 12.8 Open Enrollment.....57
- 12.9 Health Insurance.....57
- 12.10 Dental Insurance.....57
- 12.11 COBRA Continuation Coverage.....57
- 12.12 Group Health Care Coverage for Local Government Retirees58
 - 12.12.a. Requirements58
 - 12.12.b. Policy Coverage (Retirees)58
 - 12.12.c. Application of COBRA (Retirees)59
- 12.13 Supplemental Insurance59
- 12.14 Flexible Spending Accounts (FSA)59
 - 12.14.a. Dependent Care Flexible Spending Account (DCFSA)59
 - 12.14.b. Health Care Flexible Spending Account (HCFSA)59
- 12.15 Life Insurance.....60
- 12.16 Deferred Compensation 457(b) Plan(s)60
 - 12.16.a. Deferred Compensation – 457(b) Plan (Pre-Tax)60
 - 12.16.b. Deferred Compensation – 457(b) Plan ROTH Option (Post-Tax)61
- 12.17 Kansas Public Employees Retirement System (KPERs)61
 - 12.17.a. Kansas Public Employees Retirement System (KPERs)61
 - 12.17.b. Kansas Police and Firefighters Retirement System (KP&F)61
- 12.18 Employee Assistance Program (EAP)62
 - 12.18.a. Mandatory Referral62
 - 12.18.b. EAP Scheduling and Paid Leave62
- 12.19 Cellular Phone Allowance62
 - 12.19.a. Plan Levels62
 - 12.19.b. Smartphone Purchases63
 - 12.19.c. Discontinuation of Cellular Phone Allowance63
- 12.20 Uniforms63
- 12.21 Safety Footwear63
- Chapter 13 - Government Required Coverage65

- 13.1 Workers' Compensation65
- 13.2 Unemployment Compensation.....65
- 13.3 Social Security65
- Chapter 14 - Workers' Compensation66
- 14.1 Drug and Alcohol Testing.....67
- 14.2 Authorized Physician67
- 14.3 Injury Leave.....67
- 14.4 Follow-up Appointments67
- 14.5 Effects on Benefits67
- 14.6 Effects on Paid leave.....67
- 14.7 Return to Work68
 - 14.7.1. Return to Work Program68
- Chapter 15 - Employee Training and Travel.....69
- 15.1 Training and Travel Expenses69
 - 15.1.a. Travel69
 - 15.1.a. Definitions.....69
 - 15.1.b. Approval Process69
 - 15.1.c. Authorized Expenses.....69
 - 15.1.d Unauthorized Expenses69
 - 15.1.e Modes of Transportation.....70
 - 15.1.f. Lodging70
 - 15.1.g. Meal Expense.....70
- 15.2 Certification/License Testing71
- Chapter 16 - Attendance72
- 16.1 Regularly Scheduled Work Shift.....72
- 16.2 Absences72
- 16.3 Tardiness.....72
- 16.4 Job Abandonment.....73
- 16.5 Inclement Weather73
- Chapter 17 - Leave74
- 17.1 Use of Paid leave74
- 17.2 Pay Rate for all Types of Paid leave74
- 17.3 Official City Holidays74
 - 17.3.a. Holiday Pay75
 - 17.3.b. Holiday Time Banked75
 - 17.3.c. Unpaid Leave (Holiday Pay)75
 - 17.3.d. Other Types of Leave on an Official City Holiday.....75

- 17.3.d. Holiday Premium Pay (Call-Outs on a Holiday).....76
- 17.3.e. Overtime and Official City Holidays76
- 17.3.f. Holiday Time Banked Separation Payments.....76
- 17.4 Vacation Leave.....76
 - 17.4.a. Vacation Leave Accrual76
 - 17.4.b. Vacation Leave Maximum Accrual.....77
 - 17.4.c. Vacation Leave Accrual Cessation.....77
 - 17.4.d. Vacation Leave Accrual and Use for Newly Eligible Employees77
 - 17.4.e. Vacation Leave Requests77
 - 17.4.f. Departmental/Divisional Vacation Leave Scheduling.....77
 - 17.4.g. Vacation Leave and Workers’ Compensation Payments78
 - 17.4.h. Cash Value of Vacation Leave78
 - 17.4.i. Vacation Leave Separation Payments.....78
- 17.5 Sick Leave.....78
 - 17.5.a. Sick Leave Accrual78
 - 17.5.b. Sick Leave Maximum Accrual79
 - 17.5.c. Sick Leave Accrual Cessation.....79
 - 17.5.d. Sick Leave Accrual and Use for Newly Eligible Employees79
 - 17.5.e. Sick Leave Utilization79
 - 17.5.f. Immediate Family79
 - 17.5.g. Sick Leave Requests80
 - 17.5.h. Verification of Sick Leave Use80
 - 17.5.i. Sick Leave and Workers’ Compensation Payments80
 - 17.5.j. Sick Leave Separation Payments.....80
- 17.6 Personal Business Day Leave81
 - 17.6.1 Personal Business Day Leave Separation Payments81
- 17.7 Safety Day Leave.....81
 - 17.7.a. Safety Day Leave Separation Payments.....82
- 17.8 Wellness Day Leave82
 - 17.8.a. Wellness Day Leave Separation Payments82
- 17.9 Military Leave/Uniformed Services Employment and Reemployment Act (USERRA)82
 - 17.9.a. Benefits while on Military Leave.....82
 - 17.9.b. Return from Military Leave.....83
- 17.10 Domestic Violence/Sexual Assault Leave83
- 17.11 Funeral Leave.....84
- 17.12 Jury Duty Leave.....84
- 17.13 Voting Leave85

- 17.14 Family and Medical Leave Act (FMLA)85
 - 17.14.a. Eligible Employees85
 - 17.14.b. Twelve (12) Week Leave Entitlement85
 - 17.14.c. Military Caregiver Leave (Twenty-Six (26) Week Leave Entitlement)86
 - 17.14.d. Intermittent or Reduced Schedule Leave86
 - 17.14.e. Spouses’ Combined Leave86
 - 17.14.f. Requesting FMLA Leave.....86
 - 17.14.g. Use and Accrual of Paid and Unpaid Leave While on FMLA Leave87
 - 17.14.h. Workers’ Compensation and Short-Term Disability While on FMLA Leave87
 - 17.14.i. Medical Certifications87
 - 17.14.j. Benefits during FMLA Leave88
 - 17.14.k. Status of Additional Benefits during FMLA Leave88
 - 17.14.l. Medical Certification to Return to Work89
 - 17.14.m. Job Restoration Following Return from FMLA Leave89
 - 17.14.n. Complaint Procedure89
 - 17.14.o. Limitations of Policy Provisions89
 - 17.14.p. Definitions90
- 17.15 Administrative Leave91
- 17.16 Use of Unpaid Leave92
 - 17.16.a. Personal Leave of Absence without Pay92
 - 17.16.b. Exhausting Leave of Absence without Pay93
- Chapter 18 - Illness, Injury and Fitness for Duty94
- 18.1 Off Duty Illness or Injury94
- 18.2 Fit-for-Duty Exams94
- Chapter 19 - Drug and Alcohol-Free Workplace96
- 19.1 Drug and Alcohol Policy Definitions.....96
- 19.2 Drug Use Prohibitions97
- 19.3 Alcohol Use Prohibitions.....97
- 19.4 Post-Accident Drug and Alcohol Testing.....98
- 19.5 Reasonable Suspicion Drug and Alcohol Testing98
- 19.6 Drug Testing for Safety Sensitive Positions98
- 19.7 Drug and Alcohol Testing for Employees Holding a Commercial Driver’s License (CDL)98
- 19.8 Return to Duty Drug and Alcohol Testing98
- 19.9 Drug and/or Alcohol Testing Results99
- 19.10 Arrest or Conviction for Drug-Related Crime.....99
- 19.11 Arrest or Conviction for Alcohol-Related Crime99
- 19.12 Duty to Report99

- 19.13 Disciplinary Action99
- 19.14 Voluntary Assistance99
- 19.15 Cannabidiol (CBD)100
- Chapter 20 - Motor Vehicle Operation101
- 20.1 City Owned Vehicles101
- 20.2 Use of Private Vehicles101
- 20.3 Driver’s License and Driving Record101
 - 20.3.a. Failure to Maintain a Valid Driver’s License.....101
- 20.4 Moving Violations, Accidents and Hazardous Drivers101
- 20.5 Fitness to Drive102
- 20.6 Seatbelt Use.....102
- 20.7 Motor Vehicle Accidents.....102
- 20.8 Commercial Driver’s License (CDL)102
 - 20.8.a. CDL Required for Operation of Certain Heavy Equipment102
 - 20.8.b. Cost of CDL Licensing103
 - 20.8.c. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Program.....103
- Chapter 21 - Workplace Violence104
- 21.1 Concerns of Violence104
- 21.2 Incidents of Violence104
- 21.3 Weapons in the Workplace104
 - 21.3.a. Concealed Carry Handguns.....104
 - 21.3.b. All Other Weapons105
- Chapter 22 - Safety106
- 22.1 Safety Culture106
- 22.2 Reporting Safety Issues.....106
- 22.3 Reporting Injuries106
- 22.4 Safety Suggestions106
- 22.5 Fire Prevention106
 - 22.5.a. Fire Extinguishers.....106
 - 22.5.b. In Case of Fire107
 - 22.5.c. Emergency Evacuation107
- 22.6 Security107
- Chapter 23 - Standards of Conduct108
- 23.1 Overall Standards of Conduct108
- 23.2 Unacceptable Activities108
- 23.3 Corrective Action Tools.....110
- Chapter 24 - Technology.....111

24.1 Computers, Electronic Mail or Voicemail Usage.....111

24.2 Employer’s Right to Inspect Electronic Information/Communications111

24.3 Recording Conversations112

Chapter 25 - Social Media113

25.1 Official City Social Media113

25.2 Definitions.....113

25.3 Permission to Post on Official City Social Media113

25.4 Prohibited Postings.....114

25.5 Employee Social Media and Free Speech114

 25.5.a. Off-Duty Use of Social Media.....114

25.6 Important Things to Know about Personal Social Media and City Employment115

25.4 Prohibited Employee Conduct/Use of Social Media115

Chapter 26 - Cellular Phone Use116

Chapter 27 - Separation from City Employment117

27.1 Notice of Intent to Separate117

27.2 Notice Period117

27.3 Compensatory Time and Holiday Time Banked upon Separation117

27.4 Other Types of Leave upon Separation117

27.5 Final Payroll Check118

27.6 Benefits upon Separation118

27.7 Return of City Property118

27.8 Exit Interview118

27.9 Employment References on Former Employees118

City of Arkansas City Employee Manual Receipt and Acknowledgment 120

Welcome to the City of Arkansas City

Thank you for choosing to join our team! We hope you agree that you have a great contribution to make to the City of Arkansas City, and that you will find your employment at the City of Arkansas City a rewarding experience. We look forward to the opportunity of working together to create a more successful organization. We also want you to feel that your employment with the City of Arkansas City will be a mutually beneficial and gratifying one.

You have joined an organization that has established an outstanding reputation for quality. Credit for this goes to everyone in the organization. We hope you, too, will find satisfaction and take pride in your work here. As a member of the City of Arkansas City team, you will be expected to contribute your talents and energies to further improve the environment and quality of the City.

This Employee Manual may provide answers to most of the questions you may have about the City of Arkansas City's benefit programs, as well as City policies and procedures. You are responsible for reading and understanding this Employee Manual. If anything is unclear, please discuss the matter with your supervisor.

I extend to you my personal best wishes for your success and happiness at the City of Arkansas City.

Sincerely,



Randy Frazer
City Manager
City of Arkansas City



Mission

The City of Arkansas City strives to provide a high quality of life for its citizens by furnishing a variety of efficient services in a professional, courteous manner.

Statement of Organizational Values

We value Professional Ethics, which includes:

- Honesty
- Compassion
- Fairness
- Confidentiality
- Reliability
- Stewardship of Resources
- Respectfulness
- Non-Discriminatory Behavior
- Professionalism & Personal Courtesy

We value Commitment to Citizens through Customer Service, which includes:

- Courteous Interaction with the Public
- Pride & Ownership
- Programs that Address Citizen Needs
- A Sense of Urgency and Responsiveness
- A Service-Oriented Approach to Patrons
- Listening as well as Hearing

We value Commitment to Excellence, which includes:

- An Ability to see the Big Picture
- A Sense of Pride
- A Commitment to Employee Knowledge
- Employee Professionalism
- Accountability
- Teamwork
- Protection of Health, Safety & Public Welfare
- Willingness to Embrace Change
- A Commitment to Organizational Goals
- Clear Communication

It is our commitment to uphold these core values to the highest degree possible while representing the City of Arkansas City in carrying out our municipal duties as public servants. As a result, these values form the basis for our interactions with the general public, with other agencies and with each other.

This Employee Manual, drafted in 2021, has been prepared to inform you of the City of Arkansas City's history, philosophy, employment practices and policies, as well as the benefits provided to you as a valued employee.

Our History

The City of Arkansas City, Kansas, is located in Cowley County at the confluence of the Arkansas and Walnut rivers in south central Kansas, near the Kansas-Oklahoma state line. The City limits encompass 9.3 square miles.

Arkansas City, surrounded by rich farm and ranch land, is about 58 miles southeast of Wichita. The 2020 Census population was 11,974 residents.

The City of Arkansas City, founded in 1870 and incorporated in 1884, is a city of the second class. The City adopted the commission-manager form of government in an election in 1930. This was reaffirmed in 2016 with the unanimous passage of Charter Ordinance No. 29.

The commission-manager plan is the system of local government that combines the strong political leadership of locally elected City Commissioners with the strong managerial experience of an appointed local government manager. The plan establishes a representative system in which all power is concentrated in the elected City Commission as a whole, and the Commission hires a professionally trained manager to oversee the management of the City's operations and its delivery of public services.

Three (3) of the City's commissioners are elected on the first Tuesday in November of every odd-numbered year. In each election, the two (2) candidates with the highest number of votes receive four (4) year terms and the candidate with the third-highest number of votes receives a two (2) year term. Current practice is that the highest vote-getter becomes the new Mayor in the second year of his or her term, while the second highest vote-getter becomes Vice-Mayor that year and the new Mayor during the subsequent year. The newly elected commissioners are sworn-in during the first commission meeting, held in January, following the election.

What You Can Expect from the City of Arkansas City

The City of Arkansas City believes in creating a harmonious working relationship between all employees. In pursuit of this goal, the City of Arkansas City has created the following employee relations objectives:

- Provide an exciting, challenging and rewarding workplace and experience.
- Select people on the basis of skill, training, ability, attitude and character without discrimination with regard race, religion, color, sex, disability, national origin, ancestry, pregnancy, age (40+), military status, veteran status, genetic information or any other characteristic(s) protected by applicable federal, state or local laws or a disability that does not prohibit performance of essential job functions.
- Compensate all employees according to their effort and contribution to the success of our services.
- Review wages, employee benefits and working conditions regularly with the objective of being competitive in these areas consistent with sound business practices.
- Provide (vacation / sick leave / paid time off) and holidays to all eligible employees.
- Assure employees, after talking with their supervisor, an opportunity to discuss any issue or problem with the City Manager.
- Take prompt and fair action of any complaint which may arise in the everyday conduct of our business, to the extent that is possible.
- Respect individual rights and treat all employees with courtesy and consideration.
- Maintain mutual respect in our working relationships.
- Provide buildings and offices that are comfortable, orderly and safe.
- Promote employees on the basis of their ability and merit.
- Make promotions or fill vacancies from within the City whenever practical.
- Keep all employees informed of the progress of the City as well as the City's overall goals and objectives.
- Promote an atmosphere in keeping with the City's Mission and Statement of Organizational Values.

What the City of Arkansas City Expects from You

The City of Arkansas City needs your help in making each working day enjoyable and rewarding. Your first responsibility is to know your own duties and how to do them promptly, correctly and pleasantly. Secondly, you are expected to cooperate with management and your fellow employees and to maintain a good team attitude.

How you interact with fellow employees and those whom the City serves, and how you accept direction can affect the success of your department. In turn, the performance of one department can impact the entire service offered by the City. Consequently, whatever your position, you have an important assignment: perform every task to the very best of your ability.

You are encouraged to grasp opportunities for personal development offered to you. This Employee Manual offers insight on how you can perform positively and to the best of your ability to meet and exceed the City of Arkansas City's expectations.

We believe in direct access to management. We are dedicated to making the City of Arkansas City an organization where you can approach your supervisor, or any member of management, to discuss any problem or question.

We expect you to voice your opinions and contribute your suggestions to improve the quality of the City of Arkansas City. (Please take a look at the "Suggestions," Policy under Customer Relations and Communications Chapter.) We're all human, so please communicate with each other and with management.

Remember, you help create the pleasant and safe working conditions that the City of Arkansas City intends for you. The result will be better performance for the City overall and personal satisfaction for you.

Employee Manual Guidance

The purpose of this Employee Manual is to promote cooperation, efficiency and unity in public service by clearly communicating the personnel policies, rules, regulations and procedures applicable to City of Arkansas City employees.

This Manual applies to all City employees; but, does not apply to the Governing Body, appointed board members or individuals with whom the city contracts for services (e.g., Municipal Judge and Prosecutor).

Some of the subjects described herein, such as insurance plans, are covered in detail in official Plan Documents. Employees should refer to those documents for specific information, since this Employee Manual only briefly summarizes those benefits. Please note that the terms of the written insurance policy(ies) are controlling.

The City of Arkansas City, at its sole option, may alter, amend, delete, supplement or change, any part or parts of the policies contained within this Employee Manual at any time without prior notice as needs and/or conditions dictate. New or revised policies shall be effective on dates determined by the City and shall remain in effect until the City gives notice to the contrary.

No one, other than the City Commission of the City of Arkansas City, may alter or modify any of the policies in this Employee Manual. Any alteration or modification of the policies contained in this Employee Manual will be made available.

No statement or promise by a supervisor, manager or department/division head, past or present, may be interpreted as a change in policy nor will it constitute an agreement or contract with any employee.

Each department/division may have administrative regulations as are necessary, reasonable or convenient for the conduct of the department/division. No department/division may adopt regulations in violation of, or in conflict with, regulations approved and adopted by the City Commission or established by the City Manager.

Should anything in this Employee Manual be found to be unenforceable and invalid, such finding does not invalidate the entire Employee Manual, but only that particular piece.

This Employee Manual replaces (supersedes) any and all other or previous City of Arkansas City Employee Manuals or other City of Arkansas City policies whether written or oral.

Chapter 1 - Customer Relations and Communications

1.1 Customer Relations

The success of the City of Arkansas City depends upon the quality of the relationships between the City, our employees, customers/citizens, suppliers and the general public. Our customers'/citizens' impression of the City of Arkansas City and their interest and willingness to interact well with us is greatly formed by the people who serve them.

In a sense, regardless of your position, you are the City of Arkansas City's ambassador. The more goodwill you promote, the more our customers/citizens will respect and appreciate you and City of Arkansas City services.

Below are several things you can do to help give customers/citizens a good impression of the City. These are the building blocks for our continued success:

- ✓ Act competently and deal with customers/citizens in a courteous, ethical and respectful manner;
- ✓ Communicate pleasantly and respectfully with other employees at all times;
- ✓ Follow up on requests and questions promptly, provide professional replies to inquiries and requests and perform all duties in an orderly manner; and,
- ✓ Take great pride in your work and enjoy doing your very best.

1.2 Effective Communication between the City Commission and City Employees

Governance of a City relies on the cooperative efforts of elected officials, who set policy and priorities, and City employees, who analyze problems and issues, make recommendations and implement and administer the Commission's policies. The following are general guidelines to help facilitate effective communications between the City Commission, its members and City employees.

1.2.a. Communication Channels

While any employee is available to answer Commission questions and requests for information, the City Manager is the primary information liaison between the Commission and City employees. Should a Commission member make an information request to a particular employee, the employee should inform the City Manager so that he or she is aware of the Commission's requests and needs.

1.2.b. Role of City Commission

The role of the Commission is as the legislative body. The Commission is responsible for approving the budget, setting policy goals and adopting strategic plans. The primary functions of employees are to execute Commission policy and actions taken by the Commission and in keeping the Commission informed. Employees are obligated to take guidance and direction only from the City Manager or supervisor and department/division head.

1.2.c. Respect for the City Commission

City employees will make every effort to respond, in a timely and professional manner, to all requests for information or assistance made by individual Commission members. However, if a request reaches a certain degree in either terms of workload or policy, it may be more appropriate to make the assignment through the direction of the full City Commission. If this should occur, please notify the City Manager of such situation.

1.2.d. Employee Recommendations

Employees are expected to provide the best professional recommendations on issues, providing information about alternatives to employee recommendations as appropriate, as well as pros and cons for recommendations and alternatives.

Sometimes employees may make recommendations that we know will be unpopular with the public and Commission members. Employees will need to respect the role of the Commission as policy makers for the City and understand that the Commission must consider a variety of opinions and community values in their decision-making in addition to employee recommendations.

1.2.e. Commission Policy

Regardless of whether it was the employee’s preferred recommendation or not, employees will strongly support and advocate the adopted Commission policy and direction.

1.3 Employee Council

The City of Arkansas City values its employees as the most significant resource available to City government. It is committed to candid, open communication among City staff. An ongoing communication process is vital to a healthy, progressive and trusting attitude within the municipal organization. In order to enhance communication on an ongoing basis, the Employee Council has been established.

The Employee Council is an advisory group whose purpose is to provide input to the City Manager and management staff regarding general employee issues, suggestions or concerns. The Council may make recommendations from time to time, suggesting improvements in City policies and procedures. The Council also serves as a sounding board for management’s ideas and/or concerns, and to communicate goals and plans to employees.

Additionally, the Council serves as a focus group for developing and maintaining ongoing programs for employee appreciation and recognition.

1.3.a. Council Structure and Membership

The Employee Council is a function of the Human Resources Division within the City Manager Department. The City Manager and Human Resources Director facilitate the overall function of the Council, but do not vote.

In addition to nonvoting staff members, the Council is composed of ten (10) voting members, representing the following departments/divisions:

- 1. City Manager Department
- 2. Environmental Services Department
- 3. Fire/Emergency Medical Services Department
- 4. Police Department
- 5. Public Services Department

Each of these departments/divisions should be represented by one (1) supervisory employee and one (1) nonsupervisory employee.

1.3.b. Member Selection and Terms

On a biannual basis, City employees will be given an opportunity to nominate two (2) employees from their department/division (listed above) to fill two (2) of the ten (10) seats on the Council (one (1) supervisory plus one (1) nonsupervisory employee).

Terms on the Council are for two (2) years, starting in February and ending in January two (2) years later. Council members should not serve consecutive, two-year (2) terms if at all possible. The City Manager may make an exception, however, if a department/division is small enough that a sufficient pool of candidates does not exist without consideration of a current Council member, or if that member is the only suitable candidate for appointment to the seat that is scheduled to open.

In February of each year those members who have served two (2) years on the Council will be replaced with new members. Those who have served only one (1) year will remain on the Council for one (1) additional year. If a member resigns, or is removed before his or her term expires, a replacement will be selected by the department/division staff.

Otherwise, the process shall begin anew as previously stated. Replacement members shall be appointed to finish the unexpired term of their predecessors.

Preferably, only second-year Council members are eligible to serve as chairperson. The chairperson shall be selected by a majority of the voting members of the Council to serve a one (1) year term from February through January of the following year.

1.3.c. Meetings

The Employee Council generally meets on a quarterly basis (March, June, September and December), unless there is some business that necessitates a special meeting to be called or there is no business to be discussed that quarter, at which point the meeting may be canceled by the City Manager.

1.4 Confidential Information

Upon accepting employment with the City of Arkansas City, you were asked to sign a Confidentiality Agreement, which generally provides that you will not disclose or use any of the City’s confidential information, either during or after your employment. We sincerely hope that our relationship will be long-term and mutually rewarding; however, your employment with the City assumes an obligation to maintain confidentiality, even after you leave our employ.

Additionally, our customers/citizens entrust the City of Arkansas City with important information. The nature of this relationship requires maintenance of confidentiality. In safeguarding the information received, the City of Arkansas City earns the respect and further trust of our customers/citizens.

If you are questioned by someone outside the City organization and you are concerned about the appropriateness of giving them certain information, you are not required to answer. Instead, as politely as possible, refer the request to your supervisor.

No one is permitted to remove or make copies of any City of Arkansas City records, reports or documents without prior management approval. Disclosure of confidential information could lead to termination, as well as other possible legal action.

1.5 Release of Information

Public statements or the release of information on all matters related to municipal policy, administration and the operation of any department/division shall, unless otherwise directed, be made only by the City Manager, the Public Information Officer and other personnel specifically authorized or approved by the City Manager.

1.6 Suggestions

We encourage all employees to bring forward their suggestions and good ideas about how the City of Arkansas City can be made a better place to work, our services improved and our customer service enhanced. When you see an opportunity for improvement please talk it over with your supervisor. He or she can help you bring your idea to the attention of the people in the City who will be responsible for possibly implementing it.

1.7 Open Communication

The City strives to maintain a good working atmosphere and environment, and an excellent relationship between employees and management; therefore, the City values Open Communication.

Please do your best to follow these Open Communication Policy guidelines when any concern, problem or issue arises during the course of your employment:

Step 1:

If you have an issue with a coworker, please discuss the issue first with that person directly. If a resolution is not reached, please arrange a meeting with your supervisor to discuss.

Step 2:

If you have furthering disputes with a coworker (after trying Step 1) or a question, complaint or concern in general, please discuss it first with your immediate supervisor.

Step 3:

If the problem is not resolved (through Step 1 or Step 2) or you do not feel comfortable discussing the complaint or concern with the individual(s) identified there, please discuss the matter with your department/division head.

Step 4:

If the problem is not resolved (through Step 1, Step 2 or Step 3) or you do not feel comfortable discussing the complaint or concern with the individual(s) identified in either of those steps, please discuss the matter with the Human Resources Division.

Step 5:

If the problem is not resolved (through Step 1, Step 2, Step 3 or Step 4) or you do not feel comfortable discussing the complaint or concern with the individuals identified in any of those steps, you may discuss the matter with the City Manager.

Any information discussed in an Open Communication meeting is considered confidential. Retaliation against any employee for appropriate usage of Open Communication channels is unacceptable.

Please remember it is counterproductive to a harmonious workplace for employees to create or repeat rumors or office gossip. It is more constructive for an employee to consult his or her supervisor immediately with any questions.

Employees wishing to report unlawful Discrimination, Harassment, Retaliation or Bullying are encouraged to follow the specific procedures set forth in those particular policies.

1.8 Chain of Command

The Chain of Command is the organizational structure established for the operation and supervision of all personnel and departments/division. Communications, orders, requests and recommendations should be channeled through this chain, in both directions, in order to avoid confusion, misunderstandings and lack of oversight. Your supervisor will inform you of the Chain of Command applicable to your department/division.

Although communication may flow directly through the Chain of Command this policy in no way alters or voids your ability to utilize the Open Communication Policy.

Chapter 2 - Legal Compliance

2.1 At-Will Statement

It is our sincere desire that each employee is successful in his or her position with the City. However, your employment with the City of Arkansas City is At-Will. This means that neither you nor the City of Arkansas City has entered into a contract regarding the duration of your employment.

You are free to leave your employment with the City of Arkansas City at any time, with or without reason. Likewise, the City of Arkansas City has the right to end your employment, or otherwise discipline, transfer or demote you at any time, with or without reason, at the discretion of the City.

Please be aware that policies set forth, by the City, are not intended to create a contract of employment, either express or implied, between any employee and the City.

No supervisor, manager, agent or employee of the City has authority to represent that this policy or any other City policy establishes an employment contract between any employee and the City.

2.2 Immigration Law

All offers of employment are contingent on verification of your right to work in the United States. You will be asked to provide original documents verifying your right to work and, as required by federal law, to sign U.S. Citizenship and Immigration Services (USCIS) Form I-9, Employment Eligibility Verification Form.

If you, at any time, cannot verify your right to work in the United States, the City may be obliged to terminate your employment.

2.3 Equal Employment Opportunity

The City of Arkansas City is an Equal Employment Opportunity employer. Employment decisions are based on merit and business needs, and not on race, religion, color, sex, disability, national origin, ancestry, pregnancy, age (40+), military status, veteran status, genetic information or any other characteristic(s) protected by applicable federal, state or local laws.

The City of Arkansas City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The City of Arkansas City will also make reasonable accommodation(s) wherever necessary for all employees and/or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions and assignments connected with the job and provided that any accommodation(s) made do not impose an undue hardship on the City.

Management is primarily responsible for seeing that the City of Arkansas City's Equal Employment Opportunity policies are implemented but everyone shares in the responsibility for assuring that these policies are followed.

Any employees, including managers, involved in discriminatory practices will be subject to disciplinary action up to and including termination.

2.4 Americans with Disabilities Act (ADA & ADAAA)

The City of Arkansas City is committed to the recruitment, employment and promotion of the most qualified individuals. It is our policy to provide Equal Employment Opportunity for persons with disabilities in full compliance with state, local and federal laws such as the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA).

The City does not discriminate against qualified job applicants and/or employees with known physical or mental disabilities in any employment practice, including but not limited to, recruitment, hiring, education, training, promotion, compensation, and participation in social or recreational functions, use of City facilities, transfer, discipline, layoff, recall and termination.

Pursuant to the ADA, ADAAA, and the Kansas Act against Discrimination, the City will provide qualified individuals with known disabilities, including temporary impairments related to pregnancy, reasonable accommodation(s) to assist them in performing the essential functions of their job. However, where an accommodation would produce an undue hardship on the City or present a health or safety risk, the requested accommodation shall be deemed unreasonable and possibly denied.

2.5 Genetic Anti-Discrimination Act (GINA)

It is the City’s policy to abide by the Genetic Information Anti-Discrimination Act (GINA) in principal and fact. We will not seek to gather nor use genetic information regarding our prospective and/or current employees. We will not use genetic information in any way for selection or promotion or termination or other purposes.

2.6 Harassment, Sexual Harassment and Retaliation

2.6.a. Policy Statement on Harassment

The City of Arkansas City intends to provide a work environment that is pleasant, professional and free from intimidation, hostility or other offenses which might interfere with work performance. Harassment of any sort - verbal, physical, visual - will not be tolerated, particularly against employees in protected classes. These classes include, but are not necessarily limited to race, religion, color, sex, disability, national origin, ancestry, pregnancy, age (40+), military status, veteran status, genetic information or any other characteristic(s) protected by applicable federal, state or local laws.

2.6.b. Harassment Defined

Workplace Harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, email jokes or statements, pranks, intimidation, physical assaults or contact or violence. Harassment is not necessarily sexual in nature. It may also take the form of other activity including derogatory statements not directed to the targeted individual but taking place within their hearing. Other prohibited conduct includes written material such as notes, photographs, cartoons, articles of a harassing or offensive nature and taking retaliatory action against an employee for discussing or making a Harassment complaint.

2.6.c. Responsibility

All City of Arkansas City employees, and particularly supervisors, have a responsibility for keeping our work environment free of Harassment. Any employee, who becomes aware of an incident of Harassment, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or the designated management representative with whom they feel most comfortable. When management becomes aware of the existence of Harassment, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the City to do so.

2.6.d. Reporting

While the City of Arkansas City encourages you to communicate directly with the alleged harasser and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that you do so. It is essential, however, to notify your supervisor or the Human Resources Division immediately even if you are not sure the offending behavior is considered Harassment. Any incidents of Harassment must be immediately reported to a supervisor, the Human Resources Division or other management representative.

2.6.e. Investigation

Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved; however, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action up to and including termination. The City of Arkansas City will also take any additional action necessary to appropriately remedy the situation.

2.6.f. Retaliation

Retaliation of any sort will not be permitted. No adverse employment action will be taken for any employee making a good faith report of alleged Harassment.

2.6.g. Policy Statement on Sexual Harassment

The City of Arkansas City intends to provide a work environment that is pleasant, professional and free from intimidation, hostility or other offenses which might interfere with work performance based upon an employee's gender.

2.6.h. Sexual Harassment Defined

Sexual Harassment may include unwelcome sexual advances, requests for sexual favors or other verbal or physical contact of a sexual nature when such conduct creates an offensive, hostile and intimidating working environment and prevents an individual from effectively performing the duties of their position. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct.

It is important to note that Sexual Harassment crosses age and gender boundaries and cannot be stereotyped. Among other perceived unconventional situations, Sexual Harassment may even involve two (2) women or two (2) men. Sexual Harassment may exist on a continuum of behavior. For instance, an example of Sexual Harassment may be that of an employee showing offensive pictures to another employee.

2.6.i. Types of Sexual Harassment

1. Quid Pro Quo

An exchange of sexual favors for improvement in your working conditions and/or compensation.

2. Hostile, Intimidating, Offensive Working Environment

A situation in which unwelcome sexual advances, requests for sexual favors or other verbal or physical contact of a sexual nature when such conduct creates an intimidating or offensive environment. Examples of a hostile, intimidating and offensive working environment includes, but is not limited to, pictures, cartoons, symbols or apparatus found to be offensive and which exist in the workspace of an employee. This behavior does not necessarily link improved working conditions in exchange for sexual favors.

2.6.j. Computer Systems

Please understand it is expressly prohibited for City employees to view, download, share and/or save inappropriate pictures or materials which are sexual in nature utilizing City owned computer systems (this does not include situations in which such is part of the employee's job duties as in the Police Department).

2.6.k. Investigation and Retaliation

The City of Arkansas City will investigate any complaint of Sexual Harassment and will take immediate and appropriate disciplinary action if Sexual Harassment has been found within the workplace. The City of Arkansas City prohibits any employee from Retaliating in any way against anyone who has raised any concern about Sexual Harassment or Discrimination against another individual.

2.7 Accommodation for Nursing Mothers

The City will provide Nursing Mothers reasonable break time to express milk for their infant children for up to one (1) year following the child's birth.

To ensure privacy, Nursing Mothers will be provided a private room, other than a restroom, to express their milk. The room will be clearly designated and either have a lock or a sign on the door to indicate when the room is in use.

Nursing Mothers also will be provided a refrigerator to store their breast milk. Employees are responsible for labeling their milk with their name and the date on which the milk was expressed.

Nursing Mothers are encouraged to discuss the length and frequency of breastfeeding breaks with their supervisor.

Employees who have any questions or concerns regarding this policy should contact their supervisor or the Human Resources Division.

Chapter 3 - Bully-Free Workplace

The purpose of this policy is to communicate to all employees that the City of Arkansas City is committed to a healthy workplace culture where all employees can work in an environment free of Bullying behavior.

The City of Arkansas City considers workplace Bullying unacceptable behavior and is committed to the elimination of all forms of Bullying. Employees found to be in violation of this policy will be disciplined up to and including termination.

3.1 Definition of Bullying Behavior

Bullying is unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Bullying does not include expressing a differing opinion, providing instruction or training, offering timely and constructive feedback, discussing performance issues or ensuring safe workplace practices.

3.2 Types of Bullying Behavior

3.2.a. Verbal Bullying

- Ridiculing a person or his or her family;
- Persistent name calling that is hurtful, insulting or humiliating;
- Using a person as the butt of jokes;
- Deliberate exclusion, isolating people from normal work interaction;
- Abusive or offensive language or remarks; and/or,
- Teasing.

3.2.b. Spreading rumors

- Unfair blaming for mistakes; and/or,
- Physical Bullying.

3.2.c. Pushing, shoving, kicking, poking or tripping

- Assault or threat of physical assault; and/or,
- Damage to a person's work area or property.

3.2.d. Gesture Bullying

- Nonverbal threatening gestures;
- Glances that convey threatening messages or other signs of hostility; and/or,
- Unwelcome touching.

3.3 Guidelines

This policy applies to all employees, regardless of employment status, during normal working hours, at work related or sponsored functions and while traveling on work related business.

3.4 Procedure

Knowledge of suspected or actual Bullying should be reported through at least one (1) of the following means:

1. Direct contact (email, phone or in person) with the supervisor;
2. Direct contact (email, phone or in person) with the department/division head;
3. Direct contact (email, phone or in person) with the Human Resources Division; or,
4. Direct contact (email, phone or in person) with the City Manager.

Please note the reporter may identify him/herself or remain anonymous. There will be no negative consequence for anyone who, in good faith, reports Bullying.

Chapter 4 - Recruitment, Selection and Placement

4.1 Hiring Authority

The ultimate authority for hiring lies with the City Manager. The City Manager may delegate authority and responsibility as he or she deems appropriate.

4.2 Posting and Advertisement of Job Openings

Job postings and/or advertisements may be posted internally and/or externally. At the discretion of the City Manager, some open positions may not be posted for internal and/or external application and some positions only may be posted for internal application.

4.3 Recently Posted Positions

At the discretion of the City Manager and department/division head, when a position is open and a similar position was recently posted (generally within six (6) months), the position may be filled with a previously submitted application and not posted again and new applications need not be accepted.

4.4 External Application Process

The City of Arkansas City only accepts applications and/or resumes for positions that the City currently has open and available. It is necessary that all external candidates apply for the desired position through the City's formal application process (online application for employment) by the application close date.

4.5 Internal Application Process

The City of Arkansas City encourages current employees to apply for higher-level positions or lateral transfers for which they qualify. Internal candidates should complete the appropriate form and, in addition, may be asked to submit a resume. Forms can be obtained from the Human Resources Division. Internal Applications must be turned in to the Human Resources Division by 5:00 P.M. on the application close date.

4.6 Application Process Misrepresentations

If an applicant willfully makes false statements or representations during any part of the application process, the applicant may be disqualified from the hiring process. If it is discovered, after an applicant is extended a job offer or is hired, that he or she willfully made false statements or representations during the hiring process, the City may terminate the offer or employment at any time.

4.7 Minimum Employment Age

All administrative support positions within the City shall be filled by employees who are at least sixteen (16) years of age. In the case of employment of anyone younger than eighteen (18) years of age the City will follow all applicable child labor laws. Police Officer positions shall be filled with employees who are at least twenty-one (21) years of age. All other positions within the City shall be filled with employees who are at least eighteen (18) years of age.

4.8 Bonding

If your employment with the City of Arkansas City requires you to handle other people's property or to deal with money in any capacity, the City of Arkansas City may require that you be Bonded. It is your responsibility to assure that you are Bondable. The City will pay the cost of Bonding. Should you fail to maintain these qualifications, you may be subject to transfer to another position, if available, or dismissal.

4.9 Entry Level Wage/Salary

A new employee normally will enter employment at the Minimum, Regular Base Rate of Pay established in the appropriate Pay Range/Pay Ordinance for the applicable position unless it is determined the new employee, through knowledge, skills, ability, education, certification and/or experience merits additional compensation.

4.10 Nepotism

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship the City has set forth these guidelines:

1. No employee shall be or remain employed in a Department if any employee in their supervisory chain is a member of their immediate family; and,
2. No employee shall be considered for employment in any Division if a member of their immediate family is employed within such Division.

For the purpose of this policy, immediate family includes:

- Spouse
- Domestic Partner
- Child
- Step-Child
- Grandchild
- Step-Grandchild
- Daughter-in-Law
- Son-in-Law
- Parent
- Step-Parent
- Parent-in-Law
- Grandparent
- Step-Grandparent
- Grandparent-in Law
- Brother
- Sister
- Step-Brother
- Step-Sister
- Brother-in Law
- Sister-in-Law

If two (2) employees within the same departmental supervisory chain marry or otherwise become members of each other's immediate families, while employed by the City, an attempt will be made to transfer one (1) such employee to another department. If no opening exists or neither employee is qualified for available openings, the employment of one (1) of the employees may be terminated upon six (6) months' notice. Determination of which employee will need to leave employment with the City is at the discretion of the City Manager based on the business needs of the City.

Chapter 5 - New Employee Information

5.1 Loyalty Oath

In accordance with K.S.A. 75-4308, all City employees shall subscribe to and sign/date the following oath:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of (position). So help me God.

For those having religious or conscientious objections to the above oath the affirmation below is sufficient per K.S.A. 54-103, 54-104:

I do solemnly, sincerely and truly declare and affirm that I will support the constitution of the United States and Constitution of the state of Kansas, and faithfully discharge the duties of (position) and I do this under the pains and penalties of perjury.

Upon employment with the City, the Human Resources Division will dispense the Loyalty Oath to all new employees.

5.2 Job Descriptions

The City strives to maintain a Job Description for each position. Job Descriptions prepared by the City serve as an outline only. Due to the needs of operations, employees may be required to perform job duties not within the written Job Description. Furthermore, the City may have to revise, add to or delete from job duties according to needs. On occasion, the City may need to revise Job Descriptions with or without advance notice to employees.

If you have any questions regarding a Job Description, or the scope of duties, you should speak with your supervisor or department/division head. If you do not have a copy of the current Job Description, please request one from the Human Resources Division. Job Descriptions are available for review at any time.

5.3 Political Activity

The City recognizes and respects the rights of its employees to participate in the political process. Every employee has the right to register and vote in all elections.

5.3.a. City Commission Elections

Employees are prohibited from participating actively in or endorsing campaigns involving the election of any City governing body members.

5.3.b. Other Elections

Employees are prohibited from participating in any campaign activity while at work or utilizing City property. This shall include, but is not limited to the following:

1. Soliciting political contributions;
2. Wearing or displaying political badges, buttons or signs on their person or on City property; and/or,
3. Forwarding or disseminating electronic communications supporting or disparaging a political figure or party.

5.3.c. Policy Limitations

This shall in no way encroach on the right of other members of an employee’s family or household to be able to exercise their First Amendment rights. Nothing in this policy prohibits an employee from putting a political or campaign sign in their yard or on their property, including any display on personal vehicles.

5.4 Dress Code and Personal Appearance

Please understand that you are expected to dress and groom yourself in accordance with accepted social and business standards, particularly if your job involves dealing with customers/citizens or visitors in person.

A neat, tasteful appearance contributes to the positive impression you make on our customers/citizens. You are expected to be suitably attired and groomed during working hours or when representing the City. A good, clean appearance bolsters your own poise and self-confidence and greatly enhances the City’s image.

Personal appearance should be a matter of concern for each employee. If your supervisor feels your attire and/or grooming is out of place, you may be asked to leave your workplace until you are properly attired and/or groomed.

Please note all departments/divisions have the ability to designate and enforce their own dress code and personal appearance requirements.

5.5 Smoking, Vaping and Chewing Tobacco

It is the policy of the City to comply with all applicable federal, state and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

Smoking and vaping shall not be permitted in any City building or enclosed facility, including but not limited to community buildings, treatment plants, concession areas and restrooms. Tobacco use and e-cigarettes (vaping) are prohibited in all city vehicles.

Smoking and vaping shall be permitted only at a reasonable distance of ten (10) feet outside entrances, operable windows and ventilation systems so as to insure that tobacco smoke and vaping odors do not enter those areas.

While using any tobacco and e-cigarette products, employees are not to foul areas immediately adjacent to entrances to buildings, with smoke or debris.

Unless specifically authorized by the department/division head use of chewing tobacco is not permitted. In cases where the use of chewing tobacco is authorized by the department/division head employees shall not use chewing tobacco in situations where the use of such would be inappropriate (e.g., in view of the public, meetings, trainings, etc.).

While using chewing tobacco, employees are expected to be very courteous and always properly dispose of the chewing tobacco waste receptacle. At no time are these waste receptacles to be left in city vehicles or stored in the view of others.

5.6 Outside Employment

There are times when employees of the City may find the need or desire to obtain Outside Employment or operate a business of their own. An employee is considered to have Outside Employment if he or she receives a W-2 (from anyone other than the City of Arkansas City) and/or 1099 tax document(s). An employee is also considered to have Outside Employment if he or she files a Schedule C (IRS Form 1040) tax document for a sole proprietorship.

Employees of the City of Arkansas City may have Outside Employment if the following conditions apply:

1. There is no conflict with assigned City work hours;
2. The employee's safety, effectiveness and productivity is not adversely affected;
3. The employee causes no safety concerns for themselves and/or others; and/or,
4. There is no conflict with the interests of the City of Arkansas City.

These conditions will be reviewed/considered by the department/division head and/or City Manager.

Whenever duty, including extra duty and Call-Out duty for City employment is necessary, such status shall take precedence over Outside Employment. Should Outside Employment begin to interfere with the employee's duties at the City of Arkansas City the department/division head will request that the employee take whatever action is necessary to eliminate further interference.

No City employee shall use the power, prestige or influence of his or her position with the City to obtain Outside Employment or personal advantage.

If your financial situation requires you to hold a second job, Part-Time or Full-Time, or if you intend to engage in a business enterprise of your own, the City would like to know about it. Before accepting any Outside Employment you are encouraged to discuss the matter with your department/division head.

5.7 Response Time Requirements

Some positions have Response Time Requirements. If you are newly placed in a position with a Response Time Requirement you will have up to six (6) months from the date of placement in the new position to comply with the applicable Response Time Requirements.

5.8 Telephone Service Requirements

All employees are asked to maintain active telephone service and make that telephone number available to the City at any given time.

5.9 Gifts

Employees may not solicit any gifts, gratuities, loans or fees when there is any direct or indirect connection between the solicitation and their City employment.

Employees may not accept, from any third party, either directly or indirectly any gifts, gratuity, loan, fee or any other thing, unless *de minimis (lacking monetary significance or importance)* in value, arising from or offered because of, or in connection with, any City employment activity.

Employees may not accept any gift, gratuity or other thing of value, in which such acceptance might directly or indirectly influence any manner of official business, or which might adversely reflect on the City or any employee.

No employee will receive any gift or gratuity from other employees junior in rank, unless *de minimis (lacking monetary significance or importance)* in value, without the express permission of the City Manager.

Employees may not accept any gift, gratuity, reward in money or other considerations for services in the line of duty to the community, or to any person, business or agency, except lawful salary and that authorized by the State of Kansas.

5.10 Misuse of Official Badges and/or Credentials

Employees who wear a badge, uniform or other official insignia or bear credentials as evidence of their authority may not permit these to be worn or used by any other person, or to otherwise leave their possession, without approval of the department/division head. Under no circumstances may these items be used for personal gain. They are to be used only for official City business.

5.11 Personal and Romantic Relationships

Social relationships may develop between employees from time to time. Although such consensual relationships are a matter of personal choice, any adverse effect that such relationships might have in the workplace may lead to disciplinary action up to and including termination.

Any such relationship will be considered to have an adverse effect in the workplace if:

1. It interferes with or materially and adversely affects an employee's work performance, objectivity, judgment, professionalism, business reputation or ability to conduct himself or herself in an appropriate business manner;
2. It adversely affects the work environment of other employees; and/or,
3. It results in any claim of Sexual Harassment.

In no case shall a supervisor have a romantic relationship with a subordinate.

5.12 Criminal Activities and/or Arrests

Involvement in criminal activity while employed with the City may result in disciplinary action up to and including termination of employment. Disciplinary action will depend upon a review of all factors involved, including whether or not the employee's action was work-related and the nature of the act or circumstances that adversely affect attendance or performance. Any disciplinary action is not dependent upon the disposition of any court case.

Employees are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled as a result of an arrest may lead to disciplinary action, up to and including termination of employment, for Job Abandonment or violation of the Attendance Policy.

Any disciplinary action taken will be based on information that is reasonably available. This information may come from witnesses, police or any other source as long as management has reason to view the source as credible.

Chapter 6 - Employee Records

6.1 Personnel File

Keeping the information contained in your Personnel File up to date is important. If you have a change in any of the items listed below (among several others), please be sure to notify the Human Resources Division as soon as possible:

- ✓ Legal name;
- ✓ Current home address;
- ✓ Current telephone number;
- ✓ Emergency contact information (including current telephone number of emergency contact);
- ✓ Number of dependents;
- ✓ Marital status;
- ✓ Current beneficiary(ies);
- ✓ Driving record or status of driver's license (if you operate any the City of Arkansas City vehicles);
- ✓ Military or draft status;
- ✓ Elections on your W-4 (federal) tax form;
- ✓ Exemptions on your K-4 (state) tax form;
- ✓ Training certificates; and/or,
- ✓ Professional licenses.

6.2. Family Status Change

Upon experiencing a family status change, please notify the Human Resources Division within sixty (60) days for benefit modifications, if necessary.

Change in family status is when an employee's benefits may change as a result of one (1) or more of the following qualifying life events:

6.2.a. Legal Marital Status Change

- Marriage;
- Death of spouse;
- Divorce;
- Legal Separation; and/or
- Annulment.

6.2.b. Addition or Reduction in the Number of Dependents

- Birth;
- Adoption; and/or
- Death.

6.3 Medical File

All of an employee's medical information will be kept in a Medical File separate from the employee's Personnel File.

The City maintains this information in the strictest confidence and will not use or disclose medical information about an employee without the employee giving verbal or written authorization permitting such use/disclosure or unless otherwise necessary for the implementation of all types of leave including, but not limited to, Family Medical Leave

Act (FMLA) leave as well as possible Americans with Disabilities Act (ADA) considerations and Workers' Compensation benefits.

6.4 Satellite File

Supervisors may establish and maintain a working Satellite File for their employee(s). All Satellite Files will be kept in a locked and secured area. No other employee may have access to these records with the exception of employees who are in the direct line of supervision or employed in the Human Resources Division.

When an employee is transferred to a different department/division the Satellite File should be transferred by the current department/division head to the new department/division head of the employee. Upon Separation from employment Satellite Files shall be turned over to the Human Resources Division.

Only one (1) Satellite File per employee should be maintained at any given time.

Satellite Files may include the following:

- Performance documentation;
- Disciplinary documentation;
- Attendance documentation (not to include medical information such as doctor's excuses, etc.); and,
- Return to work documentation/instructions from HR (not to include actual doctor's notes).

6.5 Access to Employee Records

The following may have access to an Employee Record:

1. Employees may examine their own Employee Records (Such reviews will take place in the Human Resources Division offices in the presence of a Human Resources representative.);
2. Employees of the Human Resources Division;
3. The employee's immediate supervisor, up through the direct supervisory/management Chain of Command to the City Manager;
4. Prospective department/division heads of Internal Applicants; and,
5. Federal or state licensing, accrediting and regulatory agencies.

Employee Records and Satellite Files may not be removed copied or placed on any type of computer media without the authorization of the Human Resources Director. Employees reviewing their own files may take notes regarding the information contained in their files but may not mark upon or make copies of the documents or remove anything from the files.

Upon an active employee's request, the Human Resources Director may provide an additional copy of the employee's Performance Evaluation(s) and/or Disciplinary Report(s) if such duplicate could have been given to the employee at the time initially presented.

With the exception of records of immunization or training no documents will be released to former employees.

6.5.a. Overall General Access to Personnel Information

With the exception of routine verification of employment requests, to meet legal requirements or to meet requirements for licenser or accreditation, the contents of Employee Records are not released to any outside source without the employee's written consent or a subpoena.

6.5.b Internal Sharing of Personnel Information

It is the intent of the City of Arkansas City that certain information be guarded very closely. This information includes employee social security numbers, dates of birth and earnings information. This information will be provided to individuals only on a valid, business related, need-to-know basis or when otherwise required by law.

If this type of information is released, upon completion of the necessary activity in which this information is required, the information shall be destroyed promptly by the person(s) receiving the information.

6.6 Personnel File Custody

All Employee Records including Personnel Files, Medical Files and Satellite Files are the property of the City of Arkansas City.

Chapter 7 - Employment Classifications

7.1 Position Classification Plan

This Position Classification Plan is to be utilized for the determination of employee status by the City and is in no way intended to affect employee status and benefits eligibility defined by the Patient Protection and Affordable Care Act (PPACA).

No City employee shall be placed in an employee status or classification that is not established and recognized in the Position Classification Plan.

7.2 Full-Time

Full-Time positions are those where employees, with some exceptions in the Police Department and the Fire/EMS Department as noted below, are regularly scheduled to work at least forty (40) hours in a Work Week on a continuing basis.

Commissioned police positions characterized by Work Period scheduling are considered to be Full-Time when regularly scheduled to work at least eighty (80) hours in a fourteen (14) day Work Period that coincides with the Payroll Period. All other Police Department positions are regularly scheduled to work at least forty (40) hours in a Work Week on a continuing basis.

Fire/EMS Department positions characterized by Work Period scheduling are considered to be Full-Time when regularly scheduled to work at least ninety-six (96) hours in a fourteen (14) day Work Period that coincides with the Payroll Period. All other Fire/EMS Department positions are regularly scheduled to work at least forty (40) hours in a Work Week on a continuing basis.

Full-Time employees are subject to all rules and regulations, and are entitled to all applicable employee benefits, as described in this Employee Manual. Please contact the Human Resources Division for more detailed information.

7.3 Part-Time

Part-Time positions are those where employees, with some exceptions in the Police Department and the Fire/EMS Department as noted below, are scheduled to work less than forty (40) hours in a Work Week on a continuing basis.

Commissioned police positions characterized by Work Period scheduling are considered to be Part-Time when regularly scheduled to work less than eighty (80) hours in a fourteen (14) day Work Period that coincides with the Payroll Period.

Fire/EMS positions characterized by Work Period scheduling are considered to be Part-Time when regularly scheduled to work less than ninety-six (96) hours in a fourteen (14) day Work Period that coincides with the Payroll Period.

Part-Time employees are subject to all rules and regulations as described in this Employee Manual. These employees are not eligible for any benefits except those required by law. Please contact the Human Resources Division for more detailed information.

7.4 Temporary/Seasonal

Employees who work on a Temporary/Seasonal basis are those whose employment is not intended or expected to exceed five (5) months in any calendar year. These employees are not eligible for any benefits except those required by law.

7.5 Contract

Contract positions are those in which people work for the City on a contracted basis and do not have employee status. They are governed by the terms and conditions of their contract and not by these rules and regulations; unless specifically incorporated into the contract.

7.6 Elected Officials

Members of the Governing Body are not employees of the City and this Employee Manual does not apply to them.

7.7 Internships

From time to time, the City will offer Internships to students on a periodic basis to assist with various projects as the need arises. No Intern shall be employed for longer than five (5) months in any calendar year. All Interns must be at least sixteen (16) years of age and may not be used to displace a regular employee or occupy a vacant, open position.

The employee status of Interns will depend on the type of Internship offered. At times, Interns will not qualify as employees and will not be paid. However, all Interns will be required to abide by all City rules and regulations.

Interns will not necessarily be guaranteed a job upon completion of their Internships and/or their education and must apply for an open position to be considered for employment.

7.8 Volunteers

Volunteers are unpaid individuals performing services for, or on behalf of, the City. This Employee Manual does not apply to Volunteers.

7.9 Fair Labor Standards Act (FLSA) Status

7.9.a. Non-Exempt Positions

Per the Federal Fair Labor Standards Act (FLSA), there are certain types of jobs, according to the duties performed, in which employees are entitled to a Minimum Wage and Overtime Pay for hours worked in excess of forty (40) hours per Work Week (or a predetermined number of hours in a Work Period for certain employees of the Police Department and the Fire/EMS Department). These positions are referred to as Non-Exempt in this Employee Manual. This means these positions are not exempt from the FLSA.

Note: See the chapter of this Employee Manual titled "Compensation Plan" for a full description of Overtime Payment policies.

7.9.b. Exempt Positions

Exempt positions include those positions held by managers, executives, professional employees, technical employees, outside sales representatives, officers, directors, owners and others whose duties and responsibilities

allow them to be exempt from Minimum Wage and Overtime Pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws.

Note: See the chapter of this Employee Manual titled "Compensation Plan" for a notification of Corrective Action for Improper Deductions (Exempt Positions).

Chapter 8 - Position Movement

8.1 Promotion

A Promotion means that the employee is moving to a new position with increased responsibilities; the position is in a higher Pay Range in the same established job family as the former position. (e.g., Parks & Facilities Maintenance Worker and Parks & Facilities Lead).

An employee who is Promoted shall be entitled to retain all unused leave balances; provided however, that accrued balances may be paid out if the Promotion is from a position that accrues a particular type of leave to a position that does not (e.g., Compensatory Time is accrued in some Non-Exempt positions, but not accrued in Exempt positions).

The Performance Evaluation schedule for a Promoted employee shall be adjusted to reflect the date of the Promotion. Performance Evaluations will be completed for Promoted employees after one (1) year of service in the new position. Employees will be eligible for a Merit Increase after completion of one (1) year in the new position.

Should a Promoted employee be unable to perform satisfactorily in the new position, the employee may be returned to his or her previous position and previous pay or a reasonably comparable position, provided that such an opening is available.

8.2 Transfer

A Transfer means a Lateral Transfer or a Non-Lateral Transfer:

8.2.a. Lateral Transfer

Movement of an employee from one position to another with the same Pay Range.

8.2.b. Non-Lateral Transfer

Movement of an employee from one position to another with a higher or lower Pay Range.

Any employee may request a Transfer at any time when a vacancy exists for which the employee desires consideration. With the approval of the City Manager, a Transferred employee may be paid at or above the Minimum entry level of the new Pay Range depending on the employee's qualifications for the new position.

An employee who Transfers from one position to another shall be entitled to retain all unused leave balances provided that the unused balances may be paid out if the Transfer is to a department/division or position that does not accrue a particular type of leave or has a lower accrual limit (e.g., Holiday Banked Leave accrual limits).

The Performance Evaluation schedule for a Transferred employee shall be adjusted to reflect the date of the Transfer. Performance Evaluations will be completed for Transferred employees after one (1) year of service in the new position. Employees will be eligible for a Merit Increase after completion of one (1) year in the new position.

8.3 Demotion

A Demotion is a downward movement of an employee from one position to another within an established job family (e.g., Parks & Facilities Lead to Parks & Facilities Maintenance Worker), whether based on inability to perform assigned duties satisfactorily, disciplinary reasons, changes in the City's workforce needs or lack of work or funds.

Demotion does not include placement of an employee in a position at a lower Pay Range within an established job family at the employee's request, which will be considered to be a Non-Lateral Transfer.

Employees who are Demoted or request a Non-Lateral Transfer to a lower paying position will be paid at the Maximum for the new position to which they are Demoted/Non-Lateral Transferred or ninety-seven percent (97%) of their pay immediately before said Demotion/Non-Lateral Transfer, whichever provides the greater reduction.

An employee who is Demoted shall retain all unused leave balances, provided that the unused balances may be paid out if the Demotion is to a department or position that does not accrue a particular type of leave.

The employee's Performance Evaluation date will be adjusted to reflect the date of Demotion. Performance Evaluations will be completed for Demoted employees after one (1) year in the new position. Demoted employees will be eligible for Merit Increases after completion of one (1) year in the new position.

8.4 Reclassification

Reclassification means the re-evaluation and reassignment of a position to assure that the Pay Ordinance accurately reflects the value of the position. A position may be reassigned either upward to a higher Pay Range or downward to a lower Pay Range. Reclassification does not constitute either Promotion or Demotion.

An employee whose position is Reclassified shall be entitled to retain all unused leave balances, provided that unused balances may be paid out if the Reclassification includes a change in the ability to accrue certain leave balances (e.g., Compensatory Time is accrued in some Non-Exempt positions, but not accrued in Exempt positions).

The Performance Evaluation date of an employee whose position is Reclassified will not change.

8.5 Interim Placement

When there is a need to place an employee in a higher position due to an opening, absence or the inability of the employee currently in the position to perform the essential functions of the position, an employee may be placed in a position on a temporary Interim basis. The employee placed temporarily in the position must meet the minimum requirements for the elevated position.

Any Merit Increases during the employee's Interim Placement will be calculated utilizing the Interim Placement Rate of Pay. Merit Increases may not place the employee over Maximum for the original position when/if placed back into the original position. At the end of the temporary Interim Placement, the affected employee's Rate of Pay will be reduced to its original level, including any Merit Increases, not to exceed the Maximum for the corresponding Pay Range.

Chapter 9 - Compensation Plan

9.1 Basis for Determining Rate of Pay

Several factors may influence your Regular Pay Rate of Pay. Some of the items considered are the nature and scope of the job, what other employers pay their employees for comparable jobs (External Equity), what the City of Arkansas City pays their employees in comparable positions (Internal Equity) and individual performance as well as the City budget.

9.2 Pay Ordinance

The City Commission adopts a Pay Ordinance, which shall be on file and available for review in the Human Resources Division offices. The Pay Ordinance establishes Minimum, Mid-Range and Maximum (MIN, MID and MAX) rates of pay for each position within the City.

All employees are to be paid within this range except that employees, at the discretion of the City Manager, may be allowed to remain at their current, Regular Rate of Pay if the Pay Range for their position is reduced.

9.3 Pay Range

A designated scale of compensation directly related to assigned positions. Each Pay Range designates the Minimum, Mid-Range and Maximum, Rate of Pay for each position.

9.3.a. Minimum Rate

The lowest, Base Rate of Pay for any given position.

9.3.b. Mid-Range Rate

The central, Base Rate of Pay between Minimum Range and Maximum Range for any given position.

9.3.c. Maximum Rate

The highest, Base Rate of Pay for any given position.

9.4 Cost of Living Adjustment (COLA)

The City Commission may, at any time, adjust all Pay Ranges by a specified percentage to reflect changing economic conditions relative to the cost of living. Any such Cost of Living Adjustment (COLA) will be at the same percentage rate for all eligible employees. Cost of Living Adjustments will become effective on a date to be determined by the City Manager.

9.5 Merit Increase

The City has an established system for evaluation of employee performance that can provide employees with an increase in compensation. These Merit Increase amounts are based on performance standards.

Note: See the section of this Employee Manual titled "Performance Evaluation and Merit Increase" for more information.

9.6 Fair Labor Standards Act (FLSA)

The City complies with all requirements of the Fair Labor Standards Act (FLSA).

9.6.a. Minimum Wage

The City complies with all state and federal Minimum Wage requirements.

9.6.b. Base Pay Rate

The Base Pay Rate is an employee's guaranteed annual, monthly, weekly or hourly pay. The Base Pay Rate does not include such additional compensation as Overtime Pay, Premium Pay or Longevity Pay that is paid to employees in the corresponding Work Week or Work Period.

9.6.c. Regular Pay Rate

The Regular Pay Rate is the equivalent of the Base Pay Rate plus additional compensation paid to an employee for the Work Week or Work Period. All compensation for work performed paid to the employee, except payments specifically excluded and/or as allowed by law, shall be included in the employee's Regular Pay Rate.

9.6.d. Premium Pay

Premium Payments are payments made for work in excess of or outside of specified daily or weekly standard Work Weeks or Work Periods.

Premium Pay is paid at a rate of at least one-and-one-half (1½) times the employee's Base Pay Rate. Premium Pay is excluded from the Regular Pay Rate for purposes of calculating the Overtime Pay Rate. Premium Payments shall be credited toward any Overtime Pay owed to an employee for that same Work Week or Work Period. Premium Payments cannot be converted to Compensatory Time.

Fire/EMS Department employees working under the 7(k) Exemption (Work Period Method) will be paid Premium Pay for Call-Outs (being called-back to work after leaving the station and before being scheduled to return to the station for their next shift) and stand-bys, such as rodeos and football games.

Police Department Employees working under the 7(k) Exemption (Work Period Method) will be paid Premium Pay for activities such as DUI and seatbelt checkpoints as well as stand-bys, such as rodeos and football games.

All Non-Exempt employees Called-Out on an Official City Holiday will be paid Premium Pay for a minimum of two (2) hours or the total number of hours worked on the Official City Holiday, whichever is greater.

Please consult with your department/division head to confirm if Premium Pay is paid for any particular work assignment.

9.6.e. Overtime Pay

Overtime hours worked are paid at a rate of at least one-and-one-half (1½) times the employee's Regular Pay Rate.

The Overtime threshold for employees in Non-Exempt positions (Except Police and Fire/EMS Department employees working on a 7(k) Exemption (Work Period Method)) is forty (40) hours in a Work Week. Employees, other than those excepted above, will receive Overtime Pay for all hours worked in excess of forty (40) hours in the defined Work Week, unless the excess hours have already been satisfied with the payment of Premium Pay.

9.6.e.1. 7(k) Exemption (Work Period Method)

Police

Per the FLSA 7(k) Exemption (Work Period Method) requirements which allow for a modified Work Period in calculating Overtime compensation, the Overtime threshold for commissioned Police Officers is eighty-six (86) hours in a fourteen (14) consecutive day Work Period which mirrors the corresponding Payroll Period. Commissioned Police Department personnel will receive Overtime Pay for all hours worked in excess of eighty-six (86) hours in a fourteen (14) consecutive day Work Period unless the excess hours have already been satisfied with the payment of Premium Pay.

Fire/EMS

Per the FLSA 7(k) Exemption (Work Period Method) requirements, which allow for a modified Work Period in calculating Overtime compensation, the Overtime threshold for non-exempt employees engaged in fire protection activities is one-hundred-six (106) hours in a fourteen (14) consecutive day Work Period which mirrors the corresponding Payroll Period. These employees will receive Overtime Pay for all hours worked in excess of one-hundred-six (106) hours in a fourteen (14) consecutive day Work Period, unless the excess hours have already have been satisfied with the payment of Premium Pay.

9.6.f. Overtime Scheduling

No employee should work more than his or her scheduled hours without prior authorization to do so by a supervisor. All Overtime Scheduling should be approved in advance by your supervisor.

When Overtime Work is required and volunteers within the department/division, who are capable of performing the task are not available, the department/division head shall at his or her discretion, assign the Overtime Work to the employees he or she deems are best suited for the task.

The City may make Overtime Work mandatory at any time should the need arise. An effort will be made to offer Overtime Work equally to all eligible employees.

9.6.g. Paid Leave and Overtime Threshold

If, during that Work Week or Work Period, you were away from the job and used any type of accrued, paid leave (except Holiday Pay), those accrued, paid leave hours will not be counted as hours worked for the purpose of computing eligibility for Overtime Pay.

9.6.h. Compensatory Time

Compensatory Time is paid time off that is earned and accrued by an employee in lieu of immediate cash payment for working in excess of the statutory hours for which Overtime Pay is required by law.

All employees who are eligible for Overtime compensation may elect to receive Compensatory Time off, except Fire/Emergency Medical Service (EMS) Department personnel who are not eligible for Compensatory Time off.

Eligible employees may elect to receive Compensatory Time Off at a rate of not less than one-and-one-half (1½) hours for each Overtime hour worked in lieu of cash Overtime compensation. The City may require an employee to use his or her accumulated Compensatory Time in order to reduce the banked hours at any time.

9.6.f.1 Compensatory Time Maximum Accrual

All eligible employees may accrue up to forty (40) hours of Compensatory Time. Any accumulation in excess of this set maximum number of hours will be paid on the next Payroll Check.

9.6.f.2 Compensatory Time Utilization

You are entitled to take Compensatory Time off within a reasonable time of earning it, except when your absence would impose an unreasonable burden on the department's/division's ability to provide services for the public of an acceptable quality and quantity.

If Compensatory Time off cannot be scheduled prior to the accumulation of forty (40) hours of Compensatory Time the City shall pay you for the unused Compensatory Time in cash wages on the corresponding Payroll Check.

9.6.f.3. Compensatory Time Separation Payments

Upon Separation, all accrued Compensatory Time off will be paid based upon the higher of either:

1. The employee's final Regular Pay Rate of Pay; or,
2. The employee's average Regular Pay Rate received over the prior three (3) years.

Employees may not request cash payment for accumulated Compensatory Time during active employment.

9.6.g. Substitution

City employees in the Public Services, Environmental Services, Fire/Emergency Medical Services (EMS) and Police Department(s) may agree, solely at their option and subject to the approval of the City, to engage in a short-term exchange of work schedules between employees with corresponding duties and who work opposite shifts.

The agreement to stand in for one another is an agreement between the two (2) employees who are substituting for one another whereby each is held accountable to the other for payback of time.

The department/division head must be aware of the Substitution arrangement prior to the work being done. This shall include notice of what work is being done, by whom it is being done and where and when it is being done. Approval is required before any employee substitutes for another employee.

Qualified employees (working in the same capacity with the same job title) may substitute up to the equivalent of one (1) shift per Payroll Period (predetermined period of fourteen (14) consecutive, calendar days). The non-working, substituted-for employee may only be substituted-for up to the equivalent of one (1) shift per Payroll Period. Likewise, the substituting employee may only substitute for up to the equivalent of one (1) shift per Payroll Period.

The City does not keep a record of substitute work except to ensure that the Substitution does not exceed the limitations set forth in this policy.

The Substitution hours shall be excluded in the calculation of the hours to which the substituting employee is entitled. The Substitution hours shall be included in the calculation of the hours to which the non-working,

substituted-for employee is entitled. In such a case in which the substituting employee exceeds the Regularly Scheduled Work Shift (of the non-working, Substituted-for employee), the substituting employee, not the non-working and substituted-for employee, will receive the necessary Overtime Pay compensation.

In any case where the substituting employee fails or is unable to substitute for the non-working, substituted-for employee as agreed, the non-working, substituted-for employee must use the appropriate leave time to cover his or her absence.

The City shall incur no additional wage responsibility or accrue any additional benefit liability because of a Substitution. A default in payback of time shall be solely between the involved employees and shall not obligate the employer for reimbursement.

9.7 Fair Labor Standards Act (FLSA) Exempt

The Fair Labor Standards Act (FLSA) does not require Overtime Pay to be paid to individuals working in FLSA Exempt positions. The City will determine those positions that are exempt from the Fair Labor Standards Act according to Department of Labor guidelines.

9.7.a. Corrective Action for Improper Deductions (Exempt)

The City will reimburse any individual working in a Fair Labor Standards Act (FLSA) Exempt position whose pay is reduced in violation of the FLSA. If you feel your pay has been improperly reduced, please notify the Human Resources Division. The City strictly prohibits any acts of retaliation toward employees who report improper pay reductions.

9.8 Rest Periods/Breaks

Employees who work a normal eight (8) hour work shift may be granted up to two (2) fifteen (15) minute, paid Rest Periods/Breaks each day. Each department/division head will set department policy regarding paid Rest Periods/Breaks. Such policy shall recognize that work demands may take precedence over paid Rest Periods/Breaks. Schedules and locations for Rest Periods/Breaks may vary to fit the work schedule and location.

9.9 Meal Periods

Bona fide Meal Periods typically lasting thirty (30) minutes or more are not considered time worked and are not considered compensable time. Schedules and locations for unpaid Meal Periods may vary to fit the work schedule and location.

9.10 Longevity Pay

Full-Time employees who have completed three (3) years of continuous, Full-Time service with the City will receive an additional five-dollars (\$5.00) each Payroll Period in recognition of their service. An additional one-dollar (\$1.00) will be added to each Payroll Check for each additional, complete year of continuous, Full-Time service beyond the initial three (3) years.

Longevity Pay and increases to Longevity Pay will become effective within the Payroll Period that contains the employee's Full-Time Anniversary Date. This will be the Anniversary Date of hire or placement in a Full-Time position.

9.11 Call-Out Pay

A Call-Out is defined as an unscheduled request made by an appropriate management official for a Non-Exempt employee to return to work after leaving the building or work location at the end of his or her Regularly Scheduled Work Shift and before the beginning of the employee's next Regularly Scheduled Work Shift.

You will need to receive a directive from the department/division head or supervisor in charge before responding to a Call-Out.

Should you be "Called-Out" you will be paid for the time worked, including travel time (to the worksite only - this does not include the return trip), or a minimum of two (2) hours, whichever is greater. Should you complete the job and leave the worksite before the two (2) hour minimum is exhausted any additional Call-Out(s) within the remaining time will be covered by that initial two (2) hour minimum.

The City shall compensate you for all hours worked during a Call-Out that exceeds the two (2) hour minimum at your Base Pay Rate unless the Call-Out places you in a Premium Pay or Overtime Pay eligible status.

9.12 Court Pay

Police Department employees required to report for court, when not otherwise scheduled (i.e. their regular day off) will receive a minimum of two (2) hours of pay. Should the time in court exceed the two (2) hour minimum, the employee will be paid for the time actually worked at the employee's Base Pay Rate, unless the time worked places the employee in an Overtime Pay eligible status.

9.13 Interpreter Pay

Employees called upon to provide Interpreter services on their day off will receive a minimum of two (2) hours of pay. Should the time spent interpreting exceed the two (2) hour minimum, the employee will be paid for all time actually worked at the employee's Base Pay Rate, unless the time worked places the employee in an Overtime Pay eligible status.

Chapter 10 - Performance Evaluation and Merit Increase

To effectively manage performance and potentially reward employees for their service and performance the City of Arkansas City has implemented this Performance Evaluation and Merit Increase policy.

Performance Evaluations may be conducted at any time to establish and document employee performance. An employee shall be evaluated annually and may—at the discretion of the City Manager and when budgeted by the City Commission—be awarded a Merit Increase in compensation.

The employee's first annual Performance Evaluation shall cover the first year of employment. If, at a minimum, the employee performed satisfactorily, the employee may, at the discretion of the City, be awarded a Merit Increase. Annual Performance Evaluations shall be completed annually thereafter based upon the employee's hire date.

The employee's first annual Performance Evaluation following a Promotion, Demotion or Transfer shall cover the first year in the new position. If, at a minimum, the employee performed satisfactorily, the employee may, at the discretion of the City, be awarded a Merit Increase. Annual Performance Evaluations shall be completed annually thereafter based upon the employee's most recent Promotion, Demotion or Transfer date.

Note: See the section of this Employee Manual titled "Position Movement" for more information.

Employees demonstrating excellent performance may—at the recommendation of, and with documented justification provided by, their department/division head and at the sole discretion of the City Manager—be awarded a Merit Increase in compensation outside of the employee's annual evaluation period.

Merit Increases in compensation will become effective on the first day of the Payroll Period including the anniversary date.

Chapter 11 - Payroll Administration

11.1 Payroll Period

A Payroll Period begins on a Saturday at 12:00 A.M. and ends fourteen (14) days later on a Friday at 11:59 P.M. In other words, the Payroll Period consists of the two (2) weeks ending at 11:59 P.M. on the Friday before each Friday Pay Date.

11.2 Pay Date

A Pay Date is the date on which employees are paid on a biweekly basis and Payroll Checks are distributed (every other Friday).

11.3 Payroll Check

The City’s chosen method of payment to employees for wages earned, whether a Direct Deposit or Payroll Card, will be referred to as a “Payroll Check.”

11.3.a. Direct Deposit

The City requires that if you have a designated financial institution you will receive your wages through Direct Deposit. This is a deposit of wages directly into your bank account. On each Pay Date, you will receive a nonnegotiable statement of deposit showing the amount of the deposit and other detailed payroll information.

11.3.b. Distribution of Payroll Check

Payroll Checks are distributed to City employees biweekly on Friday. Payroll Checks will be made available to you, through your department, by 9:00 A.M. on each Pay Date. In the event a Pay Date falls on an Official City Holiday, you will receive your Payroll Check on the day preceding the Official City Holiday. Please note the City cannot authorize any other early release of any Payroll Check.

Payroll Checks may only be picked up by someone, other than the employee, with a signed note (from the employee) and acceptable identification provided to a City representative from the individual picking up the Payroll Check.

Special payrolls will not be performed unless approved by the Finance Division.

11.3.c. Lost Payroll Check

Should you lose a Payroll Check please notify the Finance Division as soon as possible. After the situation is reviewed, a new payment may be issued at the discretion of the Finance Division. You may be required to pay any charges incurred from the replacement of the particular Payroll Check, such as stop payment charges.

11.4 Error in Pay

Every effort is made to avoid errors in processing your Payroll Check. If you believe an error has been made please contact the Finance Division. They will take the necessary steps to research the problem and assure that any necessary correction is made on the next, regular Pay Date.

11.5 Overpayment

Overpayment of salary, hourly wages or other compensation, whether reported by the employee or discovered by a post audit, will need to be paid back to the City. Arrangements for repayment will need to be made as soon as possible.

11.6 Payroll Check Deductions

The City of Arkansas City is required by federal and state laws to withhold certain Payroll Check Deductions from your Payroll Check. This includes income and Federal Insurance Contributions Act (FICA) contributions (Social Security and Medicare), as well as any other Payroll Check Deductions required under law or by court order for Wage Garnishments.

The amount of tax deductions will depend on earnings and the selections you have made on the federal Form W-4 and exemptions taken on the applicable state withholding form. You also may authorize voluntary Deductions from your Payroll Check, including contributions for insurance premiums, retirement plans, spending accounts or other services.

11.7 Wage Garnishments

When court-ordered deductions are to be taken from your Payroll Check, you will be notified.

The City of Arkansas City acts in accordance with the federal Consumer Credit Protection Act and Kansas statute, which place restrictions on the total amount that may be garnished from your Payroll Check.

For more information please contact the Finance Division or the Human Resources Division.

11.7.a. Employer’s Administrative Fee

The City will need to deduct, from your Payroll Check, an Administrative Fee for withholding and paying creditor garnishments and wage withholdings (child or spousal support). The City will not deduct an Administrative Fee from employees for processing federal tax levies. The City will deduct five dollars (\$5.00) per withholding/garnishment per Payroll Period, not to exceed ten dollars (\$10.00) per month as an Administrative Fee for this service.

11.8 Time Keeping Systems/Time Clocks

Employees, with the exception of Exempt employees, in departments/divisions that have Time Keeping Systems/Time Clocks are required to use those Time Keeping Systems/Time Clocks to record time worked.

You are expected to clock in when you report to work and clock out when you leave work. Each episode of coming and going (e.g., lunch, appointments, etc.) needs to be reflected on the Timecard by punching in and/or out.

You are asked not to begin any work until you have clocked in. You are also asked not to continue to perform any work after clocking out. If necessary, adjustments reflecting all time actually worked or missed entries shall be written in on Timecards and initialed by the employee.

Performing work not documented on your Timecard is prohibited. You must make every effort to assure all of your work time is accounted for and recorded.

11.9 Timecards

Each individual is responsible for the completeness and accuracy of his or her own Time Card. You are asked to complete the information accurately, including the amount of time worked or taken off on leave.

Please sign or initial your Timecard prior to submission to your supervisor as this will indicate your agreement with the accuracy of the reported time. If you will be unavailable on a planned absence, please note the leave on your Timecard prior to the absence. You, as well as your supervisor and department/division head, are responsible for noting all leave used, the nature of the leave (i.e., Vacation, Sick, Personal Business, etc.) on the corresponding Time Card. In addition, you and your supervisor and department/division head are responsible for making certain the leave noted on the Timecard is available for your use.

Any misrepresentation of hours worked or leave taken by any employee may be seen as a serious matter and lead to disciplinary action, up to and including termination.

Under no conditions shall an employee punch a Timecard other than his or her own. This could be considered a serious matter and lead to disciplinary action, up to and including termination.

11.10 Daylight Savings Time

Work schedules for evening and/or night shifts must be adjusted to accommodate the change from Central Standard Time to Daylight Savings Time each spring and back to Central Standard Time from Daylight Savings Time each fall.

If the time change results in you working one (1) hour less than your Regularly Scheduled Work Shift, you will be paid for one (1) less hour or you may use accumulated leave time to compensate for the lost hour, if you wish. Otherwise, you will be paid only for the number of hours you actually worked.

If the time change results in you working an extra hour, you will be paid for the extra hour worked. If this causes you to be eligible for Overtime compensation, it will be paid to you.

11.11 Effective Date for Payroll Changes

Changes in compensation and/or status, except Longevity Pay, will become effective on the first day of the Payroll Period following the said action, with noted exceptions.

In such cases that your actual, physical Transfer, Demotion or Promotion occurs on any day other than the first day of a Payroll Period, due to employee or employer necessity, the City will make the payroll changes (regarding compensation and benefits) effective on the first day of the Payroll Period that is most beneficial to you, the employee.

Additionally, Merit Increases will become effective on the first day of the Payroll Period including the anniversary date.

11.12 Internal Revenue Service (IRS) Taxable Fringe Benefits

It is the policy of the City to comply with the guidelines and rules set forth by the Internal Revenue Service (IRS) regarding the taxation of employee fringe benefits. Please see the Finance Division for further information.

11.13 W-2 Forms

W-2 Forms will be issued in accordance with the guidelines established by the Internal Revenue Service (IRS). It is each employee's responsibility to keep the employer informed of his or her current address.

W-2 Forms will be mailed to the last address on file for persons no longer employed by the City.

Chapter 12 - Benefits

The City of Arkansas City is committed to offering a comprehensive benefits program for all eligible employees. In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, you may be eligible to enjoy other benefits which will enhance your job satisfaction. We are certain you will agree the benefits program described in this Employee Manual represents a very large investment by the City of Arkansas City.

Many insurance plans and options can be confusing and complicated. That is why the City of Arkansas City has taken the time to carefully review the coverages and plans available. We have selected the plans we feel provide the best coverage for our employees. Please refer to the literature provided by our insurance companies for details on your coverage.

A good benefits program is a solid investment in City of employees. The City will periodically review the benefits program and will make modifications as appropriate to the City's condition. The City of Arkansas City reserves the right to modify, add or delete the benefits offered at any time.

12.1 Children's Health Insurance Program Reauthorization Act (CHIPRA)

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) provides for special enrollment opportunities for employees and eligible dependents who are eligible for employer sponsored health coverage and are covered under a Medicaid plan or state Children's Health Insurance Program (CHIP), and lose eligibility under that plan; or employees and dependents who become eligible under a CHIP or Medicaid plan for premium assistance that can be used toward the cost of an employer plan.

Employees and dependents who are already enrolled in Medicaid or CHIP can contact the Kansas Medicaid office at www.khpa.ks.gov or 1-800-766-9012 to find out if premium assistance is available to help pay for Health Insurance premiums for the City's Health Insurance plan.

An employee who is not currently enrolled in Medicaid or CHIP, but believes he or she might be eligible for either of these programs can contact the Kansas Medicaid office or dial 1-877-kids now or go to www.insurekidsnow.gov to find out how to apply.

Employees and dependents who become eligible for premium assistance under Medicaid or CHIP or who lose coverage under Medicaid or CHIP are provided with a special enrollment opportunity to enroll in the City's health plan within sixty (60) days of being determined eligible for premium assistance or of loss of Medicaid or CHIP coverage.

12.2 Eligibility for Benefits

If you are a Full-Time employee, you will enjoy all of the benefits described in this Employee Manual as soon as you meet the eligibility requirements for each particular benefit. Coverages are available to you and your dependents as defined in the benefit summary Official Plan Document(s).

If you are a Part-Time employee, an Intern or a Volunteer you will enjoy only those benefits specifically required by law (Possibly Workers' Compensation, Unemployment Compensation and FICA match only, if eligible).

If you are a Contract employee you will not be provided any benefits; unless, specified in the contract.

12.3 Official Plan Document(s)

This Employee Manual does not change or otherwise interpret the terms of the official Plan Document(s). Employee rights can be determined only by referring to the full text of the official Plan Document(s) which are available for your examination by contacting the Human Resources Division.

To the extent that any of the information contained in this Employee Manual is inconsistent with the Official Plan Document(s) the provisions of the Official Plan Document(s) will govern in all cases.

12.4 IRS Section 125/Cafeteria Plan/Pre-Tax Benefits

Under the City's Cafeteria Plan (in accordance with Internal Revenue Code Section 125), an employee's contributions toward insurance benefits may be made on a before-tax basis, thus reducing the employee's taxable income and increasing "take home" pay. Please contact the Human Resources Division for more information.

12.5 Plan Year

The Plan Year for the City's benefits begins on January 1st and ends on December 31st of every year.

12.6 Status Changes/Qualifying Events

Because the City provides certain benefits on a tax-favorable basis, certain rules of the Internal Revenue (IRS) Code limit the City's ability to permit employees to make changes to benefit elections throughout the Plan Year.

If an employee experiences a Status Change or Qualifying Event, (please see the sample list below), the employee may be eligible to enroll in, or to change or waive coverage within sixty (60) days of the Status Change/Qualifying Event. The change must be in relation to the Qualifying Event.

If an employee experiences any of the changes below, at any time, during the Plan Year, the employee is required to notify the Human Resources Division within sixty (60) days of the change. Failure to do so could result in refusal to drop any employee's and/or family members' coverage or to cover any newly eligible employee and/or newly eligible dependents.

Examples of Status Changes/Qualifying Events include:

- Loss of coverage (loss of spouse's job which provided insurance);
- Obtaining coverage (spouse obtains job with insurance);
- Death of a family member;
- Birth or adoption of a child;
- Marriage;
- Divorce;
- Legal Separation;
- Child reaches maximum coverage age;
- Legal custody of a child; and/or,
- Employee or employee's spouse becomes eligible for Medicare.

12.7 Loss of Eligibility

Any time an employee separates from employment with the City or changes their employment status from Full-Time eligibility for most benefits will cease. Benefits eligibility generally will cease on the last day of the month in which an employee was actively employed in a Full-Time status and/or the end of the month in which an employee's Status Changed from Full-Time status unless otherwise specified by Plan Document(s).

12.8 Open Enrollment

Open Enrollment generally is held during the months of November or December, with elected changes taking effect on the first day of the following January. During the Open Enrollment period, employees may elect to make a variety of changes to their selected benefit plans. These enrollment choices must hold for the rest of the year (Plan Year) unless family status, a spouse’s job status or the City employee’s employment status changes.

12.9 Health Insurance

Full-Time employees and their eligible dependents may be eligible for enrollment in the group, Health Insurance plan the first of the month following placement in a Full-Time position.

Group Health Insurance coverage for eligible employees is provided on a shared-cost basis. The City will contribute to the cost of the monthly premium, with the employee contributing the remaining monthly premium through Payroll Check Deduction.

Participation in this group Health Insurance plan is strictly voluntary. No employee shall be paid a cash payment of any kind in lieu of Health Insurance.

For more detailed information on the City’s employee Health Insurance plan, enrollment criteria, procedures and policies, please contact the Human Resources Division.

12.10 Dental Insurance

Full-Time employees and their eligible dependents may be eligible for enrollment in the group, Dental Insurance plan the first of the month following placement in a Full-Time position.

Group Dental Insurance coverage for eligible employees is provided on a shared-cost basis. The City will contribute to the cost of the monthly premium, with the employee contributing the remaining monthly premium through Payroll Check Deduction.

Participation in this group Dental Insurance plan is strictly voluntary. No employee shall be paid a cash payment of any kind in lieu of Dental Insurance.

For more detailed information on the City’s employee Dental Insurance care plan, enrollment criteria, procedures and policies, please contact the Human Resources Division.

12.11 COBRA Continuation Coverage

According to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), in the event of your termination of employment with the City of Arkansas City or loss of eligibility to remain covered under our group Health Insurance program, you and your eligible dependents, may have the right to continued coverage under our Health Insurance program for a limited period of time at your own expense.

All employees have the responsibility of informing the Human Resources Division of a divorce, legal separation or a child losing dependent status under the City group Health and/or Dental plan(s).

COBRA coverage is not automatic. You must submit all required paperwork and payments within the required time limits specified in the written materials you will receive after losing coverage. If you do not choose continuation coverage, your group Health and/or Dental Insurance coverage will end.

12.12 Group Health Care Coverage for Local Government Retirees

Employees retiring from the City, who meet specific criteria (listed below), may elect to continue their coverage, as well as the coverage of any covered spouse or dependent of the Retiree, in the City's group Health Insurance and/or Dental Insurance plan(s), provided that such election is made in writing, to the Human Resources Division, within thirty (30) days of retirement.

12.12.a. Requirements

To be eligible, the retired employee must:

1. Have been employed by the local government for not less than ten (10) years;
2. Have retired after December 31, 1988; and,
3. Be receiving a retirement or disability benefit for service with the local government from which they terminated employment.

Payment of the monthly premiums shall be the sole responsibility of the Retiree. The City will not be obligated to send invoices to Retirees, nor will the City assume any responsibility for payment of monthly premiums. Monthly premiums are due to the City on or before the first (1st) day of each month for that month's corresponding coverage.

The Retiree's continued coverage under the group Health Insurance and Dental Insurance plan(s) will terminate upon the first of the following events to occur:

1. Upon the Retiree's death;
2. Upon the Retiree attaining the age of sixty-five (65);
3. Upon the failure to pay any monthly premium when due; or,
4. Upon the Retiree becoming covered, or becoming eligible for coverage, under a plan of another employer.

Upon retirement, the Retiree will make his or her coverage level determination (i.e. single, single plus spouse, single plus child(ren) or family). Those dependents covered at the time of retirement shall leave the plan due to ineligibility such as:

1. Upon the dependent's death;
2. Upon the divorce or legal separation of the Retiree and dependent;
3. Upon the dependent attaining the age of ineligibility according to the Official Plan Document(s);
4. Upon the dependent obtaining other coverage;
5. Upon the failure to pay any monthly premium when due; or,
6. Upon the Retiree becoming covered or becoming eligible for coverage under a plan of another employer.

Unless an exception applies, the coverage of any spouse and/or dependent(s) of a Retiree shall terminate upon the termination of the Retiree's coverage. At that time, if eligible, applicable COBRA Continuation Coverage will be offered to the spouse and/or dependent(s).

Once coverage under the City's plan ceases, because of any disqualification (Retirees should consult the Plan Document(s) and Plan Administrator for a list of Qualifying Events), there shall be no reinstatement of coverage, except upon a finding by the Governing Body of extraordinary hardship, such as for the inadvertent failure to pay premiums.

12.12.b. Policy Coverage (Retirees)

The health plan coverage for Retirees shall have the same options that are available to current employees. The options selected shall not be subject to change except at times when existing employees may exercise such options.

12.12.c. Application of COBRA (Retirees)

Nothing in this plan shall subordinate the rights of a former employee under the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

12.13 Supplemental Insurance

The City may provide Full-Time employees with the option of purchasing Supplemental Insurance coverage. These types of insurance may, or may not, include Accident, Heart/Stroke and Cancer benefits.

These plans are subject to the insurer’s underwriting rules and are paid entirely by the employee through Payroll Deduction. Taxability of these benefits will be based on plan and Internal Revenue Services (IRS) standards.

Eligibility for enrollment in the Supplemental Insurance plan(s) is only during the annual Open Enrollment period.

12.14 Flexible Spending Accounts (FSA)

A Flexible Spending Account (FSA) is a special account an employee may put money into that is used to pay for certain out-of-pocket health care costs as well as certain dependent care costs. The money set aside for Flexible Spending Accounts is done so on a pre-tax basis.

12.14.a. Dependent Care Flexible Spending Account (DCFSA)

Work-related childcare for children younger than age thirteen (13) or dependent care for any other dependent incapable of self-care can be considered qualified expenses, up to a maximum amount per year that is set by the Internal Revenue Service (IRS). Only nonmedical expenses that enable the employee to be gainfully employed, and ensure a qualified dependent’s well-being and protection, are allowed. Baby-sitting costs for non-work-related activities and/or nursing home care charges do not qualify. Any care for which a tax credit is claimed on a federal tax return is not covered.

The employee must choose the total amount to deposit into his or her Dependent Care Flexible Spending Account upon enrollment, and that choice must hold for the rest of the Plan Year unless family status, a spouse’s job status or the City employee’s employment status changes. Money set aside in this account will be deducted through Payroll Deduction on a pre-tax basis.

When the employee incurs and pays for a dependent care expense, he or she provides the receipt or other proof of payment, along with a completed form and requests reimbursement from the account. At the end of the year, any remaining unused funds in the account must be forfeited (“use it or lose it” rule).

Eligibility for enrollment in the Dependent Care Flexible Spending Account is only during the annual Open Enrollment period.

12.14.b. Health Care Flexible Spending Account (HCFSA)

Money set aside in this account may be used to pay medical expenses (e.g., braces, glasses, deductibles), for the employee and their dependents if these expenses were not covered by insurance. The employee must choose the total dollar amount to be set aside into his or her account and it will be deducted through Payroll Deduction on a pre-tax basis.

As allowable medical expenses occur, the employee may submit a copy of his or her medical documentation (e.g., Explanation of Benefits (EOB), medical billing statement), along with a completed form and request reimbursement from the account. There is also the ability to pay for qualifying expenses with a debit/credit card.

Documentation may, or may not, be requested when utilizing the debit/credit card. This determination is made by the company administering the plan, depending on the type of purchase and/or service. Documentation must show the date of service, the type of service, the person receiving the service and the amount not paid by insurance to qualify for processing.

The City offers the maximum allowed carryover. This allows participants to carry over an amount, approved by the Internal Revenue Service (IRS) and selected by the employer, from the current Plan Year to the next Plan Year.

Please consult the Plan Document(s) for more details.

Eligibility for enrollment in the Health Care Flexible Spending Account is only during the annual Open Enrollment period.

12.15 Life Insurance

The City of Arkansas City provides a ten-thousand-dollar (\$10,000) term Life Insurance policy at no charge for each eligible employee. Application must be made during the first thirty (30) days of employment. Coverage takes effect the first of the month following the date of hire or placement in a Full-Time position.

KPERS also provides a Life Insurance benefit equal to one and one-half (1½) times the employee's annual compensation (KPERS members only).

KP&F also provides some Life Insurance benefits (KP&F members only).

For more information on Life Insurance benefits provided and options for additional insurance, please contact the Human Resources Division.

12.16 Deferred Compensation 457(b) Plan(s)

The 457 plan is a type of deferred-compensation retirement plan that is available for governmental and certain nongovernmental employers in the United States. The employer provides the plan and the employee defers compensation into it on a pre-tax or after-tax basis.

12.16.a. Deferred Compensation – 457(b) Plan (Pre-Tax)

Full-Time and Part-Time employees are eligible to participate in a 457(b) Deferred Compensation plan. This is a retirement savings plan that allows eligible employees to supplement any existing retirement and pension benefits by saving and investing dollars through a voluntary salary contribution.

The City offers a pre-tax option in which contributions reduce federal and state taxes. With the pre-tax option, contributions and any earnings on contributions are tax-deferred until money is withdrawn. Distributions are subject to ordinary income tax.

Contributions are taken as Payroll Deductions, on a pre-tax basis, on each Payroll Check and put into an account.

The money is invested automatically into the investment option(s) chosen by the employee. Eligible employees may enroll at any time.

The City will contribute, in December of each year, one-hundred dollars (\$100) to the account of each current employee who participated in the Deferred Compensation plan and who contributed at least two-hundred-fifty dollars (\$250) throughout that year (January 1st through December 31st) to their account(s) in the plan. Please note

the employer will contribute a maximum of one-hundred dollars (\$100) each year even if the employee participates in more than one (1) Deferred Compensation plan.

12.16.b. Deferred Compensation – 457(b) Plan ROTH Option (Post-Tax)

Full-Time and Part-Time employees are eligible to participate in a 457(b) Deferred Compensation ROTH plan. This is a retirement savings plan that allows eligible employees to supplement any existing retirement and pension benefits by saving and investing dollars through a voluntary salary contribution.

All ROTH contributions are made with after-tax dollars which means taxes are paid now (after-tax) rather than when a qualified distribution is taken.

Contributions are taken as Payroll Deductions on each Payroll Check and put into an account. The money is invested automatically into the investment option(s) chosen by the employee. Eligible employees may enroll at any time.

The City will contribute, in December of each year, one-hundred dollars (\$100) to the account of each current employee who participated in the Deferred Compensation plan and who contributed at least two-hundred-fifty dollars (\$250) throughout that year (January 1st through December 31st) to their account(s) in the plan. Please note the employer will contribute a maximum of one-hundred dollars (\$100) each year even if the employee participates in more than one (1) Deferred Compensation plan.

12.17 Kansas Public Employees Retirement System (KPERs)

12.17.a. Kansas Public Employees Retirement System (KPERs)

All eligible City employees are required to become members of the Kansas Public Employees Retirement System (KPERs) upon hire. Upon becoming a KPERs member, the employee contributes to KPERs, through Payroll Deduction, for all wages and taxable benefits each Payroll Period. The employee’s contribution is fixed by Kansas statute. The City also makes contributions to KPERs at a rate set by Kansas statute.

To be eligible to participate in the Kansas Public Employees Retirement System, the position in which the employee is working normally must require the employee to work more than one-thousand (1,000) hours per year.

Please note: Police Officers and Firefighters fall under the Kansas Police and Fire Retirement System (KP&F).

Additional benefits also may be available to employees participating in KPERs. For more details, please contact the Human Resources Division.

12.17.b. Kansas Police and Firefighters Retirement System (KP&F)

Police officers and firefighters participate in the Kansas Police and Firefighters Retirement System (KP&F) upon hire. Police officers and firefighters make contributions to KP&F through Payroll Deduction for all wages and taxable benefits each Payroll Period. The employee’s contribution is fixed by Kansas statute. The City also makes contributions to KP&F at a rate set by Kansas statute.

Additional benefits also may be available to employees participating in KP&F. For more details, please contact the Human Resources Division.

12.18 Employee Assistance Program (EAP)

If you need counseling or other help with personal or work-related problems, you are encouraged to make contact with EMPAC Employee Assistance Program (EAP). Assistance through EMPAC is provided for all City employees. You may contact EMPAC directly by calling 1 - (800) 234-0630.

EMPAC employees are available to assist you and your immediate family members (within the same household) with counseling, or referral, to a wide variety of counseling services for various personal problems, including but not limited to abuse of drugs and/or alcohol, emotional problems, financial problems, marital problems, family crises and many other issues.

Short-term counseling may be paid for by the City. Long-term counseling services may require payment by employees or their health insurance provider. You should contact your supervisor or the Human Resources Division if you have questions.

12.18.a. Mandatory Referral

In some cases, the City may refer an employee to an Employee Assistance Program if the employee is experiencing job performance issues or behavioral problems that indicate services provided by the EAP may be of assistance.

The employee will have forty-eight (48) hours following a Mandatory Referral, by the City, to contact an EAP representative. Failure to contact the EAP within forty-eight (48) hours of Mandatory Referral by the City, without acceptable cause may lead to disciplinary action. In such cases, the supervisor may request some limited information on the employee's use of EAP services.

12.18.b. EAP Scheduling and Paid Leave

You will be allowed to use your accrued, paid leave (including Sick Leave) when mandated by the City, or to voluntarily access the EAP, should such arrangements be necessary during your Regularly Scheduled Work Shift. Please try to schedule assessment and counseling during off-duty hours whenever possible.

12.19 Cellular Phone Allowance

The City of Arkansas City provides a Cellular Phone Allowance for certain positions due to the nature of the job. The purpose of the Cellular Phone Allowance is to facilitate ease of contact with employees in particular positions within the City. The determination of which positions are eligible to receive a Cellular Phone Allowance is based upon the nature and essential functions of the job.

To receive an allowance, an employee must provide the cellular phone number to the employer, and the phone must be on and carried by the employee during business hours and/or while on call (for some employees this may mean twenty-four (24) hours a day).

Cellular Phones must remain in proper working order at all times. All repairs, maintenance and loss of Cellular Phones or accessories will be the responsibility of the employee.

The Cellular Phone Allowance will be included in the employee's Payroll Check and is subject to all applicable taxes. Employees will not be required to submit monthly bills for the allowance.

12.19.a. Plan Levels

The Cellular Phone Allowance includes four (4) plan levels, according to the essential functions of the position (all based on the job as determined by the City Manager):

1. \$15 per month General Allowance Plan
2. \$50 per month Basic Allowance Plan
3. \$60 per month High-Use Allowance Plan
4. \$80 per month Smartphone Plan

12.19.b. Smartphone Purchases

Department/division heads and some management positions, with the City Manager's approval, who wish to purchase a Smartphone, will receive an allowance for the actual cost of the phone up to a maximum of one-hundred dollars (\$100) no more frequently than every two (2) years.

12.19.c. Discontinuation of Cellular Phone Allowance

Employees who change jobs or whose duties no longer require a phone may be eligible for reimbursement of any cancellation penalty with the approval of the City Manager. Billing from the Cellular Phone provider showing the penalty charge shall be provided to the department/division head in order to be considered to receive reimbursement.

12.20 Uniforms

Uniforms may be provided by the City, at no cost to the employee, for members of certain departments/divisions. These uniforms must be worn during scheduled and unscheduled working hours and are not to be worn when employees are off duty or by any person other than the employee. All uniforms must meet the approval of each employee's supervisor.

The City may pay the cost of cleaning uniforms for uniformed employees at the discretion of the department/division head. Employees may be held responsible for any uniforms lost or damaged due to the employee's negligence.

Upon separation from employment, all uniforms need to be returned to the employer immediately. Failure to return uniforms upon separation from employment may result in withholding the value of the uniforms, in compliance with all applicable laws, from the separating employee's Payroll Check.

12.21 Safety Footwear

Each department/division head will determine the appropriate protection required for feet and ankles based on the work assigned to each worker. They will also ensure each worker wears safe and appropriate footwear.

To determine appropriate protection, the following factors will be considered:

- Slipping;
- Uneven terrain;
- Abrasion;
- Ankle protection;
- Foot support;
- Crushing potential;
- Temperature extremes;
- Corrosive substances;
- Puncture hazards;
- Electrical shock; and/or,
- Any other recognizable hazard.

No slip-on-type boots will be considered acceptable unless ankle support has been incorporated within the manufacturer's design.

If Safety Footwear is a requirement of the job, employees who are not able to wear Safety Footwear for medical reasons will need to provide a doctor's certificate to the Human Resources Division requesting exemption from this requirement.

If a department/division head determines the employee's position requires reinforced-toe boots or other specific Safety Footwear other than street shoes, the employee may receive an annual reimbursement of up to one-hundred dollars (\$100) each calendar year for the purchase of the required Safety Footwear. Please note a receipt for the purchase must be provided to receive reimbursement and this payment is considered taxable income by the Internal Revenue Service (IRS).

Affected employees shall comply with this policy and shall be responsible for properly using, maintaining and wearing appropriate Safety Footwear.

Chapter 13 - Government Required Coverage

13.1 Workers' Compensation

All employees are entitled to Workers' Compensation benefits. This coverage is automatic, immediate and protects you due to an on-the-job injury. An on-the-job injury is defined as an accidental injury suffered in the course of your work or an illness which is directly related to performing your assigned job duties. The City pays the entire cost of this insurance program.

If you cannot work due to a job-related injury or illness, Workers' Compensation insurance pays your medical bills and provides a portion of your income until you can return to work.

13.2 Unemployment Compensation

Depending upon the circumstances, former City employees may be eligible for Unemployment Compensation upon termination from employment with the City of Arkansas City. Eligibility for Unemployment Compensation is determined by the Kansas Department of Labor Unemployment Division. The City pays the entire cost of this insurance program.

Unemployment Compensation is designed to provide you with temporary income when you are out of work through no fault of your own. For your claim to be valid, you must have a minimum amount of earnings determined by the state and you must be willing and able to work.

13.3 Social Security

The United States government operates a system of mandated insurance known as Social Security. As a wage earner, you are required by law to contribute a set amount of your wages to the trust fund from which benefits are paid.

As your employer, the City is required to deduct this amount from each Payroll Check you receive. In addition, the City matches your contribution dollar-for-dollar, thereby paying one-half (½) of the cost of your Social Security benefits. The tax comprises part of the Federal Insurance Contributions Act (FICA).

Your Social Security number is used to record your earnings. You are encouraged to protect your Social Security record by ensuring your name and Social Security number on your pay stub and W-2 Form are correct. You may also want to make sure your earnings statement is accurate each year by requesting a Personal Earnings and Benefit Estimate Statement from the U.S. Social Security Administration by visiting <https://www.ssa.gov>.

Chapter 14 - Workers' Compensation

All City employees are covered under the provisions of the State of Kansas Workers' Compensation Act, which provides medical treatment, compensation for loss of pay and death benefits for any employee injured or killed by an accident or occupational exposure arising out of and in the course of his or her employment. The cost of this insurance is paid in its entirety by the City of Arkansas City.

It is the injured employee's responsibility to inform a supervisor of any workplace injury or occupational exposure immediately. Failure to timely inform the City of an injury or occupational exposure could disqualify coverage under the Workers' Compensation Act.

PLEASE FOLLOW THESE STEPS IN THE CASE OF A JOB-RELATED INJURY OR ILLNESS:
1. In the case of a serious or life-threatening injury call 911 immediately.
2. Report the injury to a supervisor immediately.
3. Please contact the Human Resources Division for further assistance as soon as possible.
4. You may be subject to drug and alcohol testing – please consult with the Human Resources Division.
5. Complete the appropriate forms so the claim may be filed as soon as possible following the injury or occupational exposure.
6. Please obtain authorization from the Human Resources Division before visiting a physician, clinic or emergency room for an on-the-job injury unless the injury is serious or life-threatening.
7. You will need to see the Authorized Physician – there are other options available to you, please contact the Human Resources Division for more information.
8. Please keep in touch with your supervisor or department/division head and the Human Resources Division throughout all medical treatment and the healing process.
9. Please provide all original copies of work status/restrictions/release from the doctor to the Human Resources Division following each appointment.
10. Should you be under the Authorized Physician's care and receive work restrictions, you should not violate those restrictions on or off duty (this could result in re-injury or slowing your healing time).
11. Please keep all appointments for ongoing medical care and participate fully in the treatment of your injury or illness.
12. Please remember we encourage you to contact the Human Resources Division any time you have questions/concerns regarding your injury/ illness and subsequent care.

14.1 Drug and Alcohol Testing

Employees who need medical attention, due to a workplace injury/exposure, may be tested for impairment. Employees who don't need medical attention may be tested as outlined in the Drug and Alcohol-Free Workplace policy.

14.2 Authorized Physician

The City has the authority to select the medical provider who will treat workplace injuries and exposures. Please contact the Human Resources Division for information regarding the Authorized Physician.

14.3 Injury Leave

If you are injured on the job, time spent that day visiting a physician or recovering at home or a health care facility will be counted as regular time worked, not as Injury Leave. Any subsequent physician appointments, physical therapy or other time off due to the injury will be counted as Injury Leave and shall fall under the criteria set forth in this policy.

If you were injured on the job and have been taken off work by the authorized Workers' Compensation physician or the employer, due to an on-the-job injury, you will be compensated by receiving Injury Leave in lieu of your regular pay for the first seven (7) calendar days you are off work. If you are not approved to return to work following the seventh (7th) calendar day you will be compensated by only Workers' Compensation.

Employees who are taken off work are not eligible for Holiday Leave pay should they be unable to return to work in the Payroll Period including the Official City Holiday.

14.4 Follow-up Appointments

Employees with an approved Workers' Compensation claim who have been released to perform work and have follow-up appointments during their Regularly Scheduled Work Shift shall count the time away from work for doctor's visits as Injury Leave.

14.5 Effects on Benefits

During the period of time an employee is eligible for Workers' Compensation benefits the City will follow each benefit provider's guidelines regarding continuation of benefits.

Employees are responsible for making payment arrangements for the employee's contribution toward these benefits, as well as any other optional programs to which the employee may contribute, if eligible. Failure to provide the employee's contribution will likely result in forfeiture of the City's contribution and loss of benefit(s).

14.6 Effects on Paid leave

Time off work while receiving Workers' Compensation benefits shall result in the loss of accrual of Vacation Leave and Sick Leave the first of the Payroll Period following fourteen (14) consecutive calendar days off.

Accrual will begin again the first of the Payroll Period following the employee's return to his or her, Full-Time, Regularly Scheduled Work Shift.

14.7 Return to Work

Prior to returning to work you will be required to provide a release to return to work from the treating physician:

- Without Limitations - Employees who have been released without limitations may be required to undergo a Fit-For-Duty Assessment.
- With Limitations - Employees who have been released to perform work with limitations may be able to return to work under the Return to Work Program. Should an employee turn down, or fail to perform offered work, that he or she is capable of doing, the City may take actions permitted under law including but not limited to contesting the employee’s entitlement to further Workers’ Compensation benefits.

14.7.1. Return to Work Program

Employees who are temporarily unable to perform the duties of their position because of an on-the-job injury may qualify for participation in the City’s Return to Work Program. The ultimate goal is to return the restricted duty employee back to full duty.

For work to be considered suitable under this program the following conditions must be met:

1. It must be reasonably likely that the employee will return to work in a full capacity to the position held by the employee prior to assignment to the program; and,
2. The work assigned must be a meaningful and productive part of the department/division operations; and,
3. The employee must be qualified for the assignment.

This policy shall in no way disregard or negate the rights of any employee with a disability covered under the Americans with Disabilities Act or the ADA Amendments Act.

Chapter 15 - Employee Training and Travel

15.1 Training and Travel Expenses

It is the policy of the City of Arkansas City to provide employees educational and training opportunities to improve their skills and capabilities as may be appropriate for their duties and responsibilities.

When training (including classes, seminars, conferences or college courses) is required by the City Manager or an employee's department/division head, expenses associated with those training opportunities will be paid by the City according to the Fair Labor Standards Act (FLSA), Internal Revenue Service (IRS) guidelines and the City's Travel policy.

15.1.a. Travel

Occasionally performance of official City business will necessitate travel by City employees. Any amount of time you spend driving or traveling on official City business will be paid time. Additionally, shall a day of training and/or travel sum up to fewer hours than your Regularly Scheduled Work Shift, you will be paid for all normally scheduled working hours.

15.1.a. Definitions

1. Authorized Travel – Travel outside of City limits that is directly relevant to, and necessary for, the successful accomplishment of, legitimate City requirements (i.e., official City business).
2. Authorized Individuals – Individuals who are either performing City business or representing the City in some fashion.
3. Reimbursable Mileage Rate – IRS business standard mileage rate in effect at the time of Authorized Travel.
4. Purchasing Card – Any card or other similar item or arrangement which authorizes credit purchases by an employee in the name of the City of Arkansas City.
5. Reimbursable Expenses – Only those expenses for which City funds will be used for reimbursement.
6. Travel Approving Official - Person authorized to approve travel and related expenses. For this policy, the Travel Approving Official will be the department/division head. If the Authorized Individual is a department/division head, the Travel Approving Official will be the City Manager.

15.1.b. Approval Process

Any Authorized Individual intending to travel on City business shall request approval from their Travel Approving Official prior to the planned departure date.

15.1.c. Authorized Expenses

1. Transportation costs (specified below) for out of town meetings, conferences and seminars; and,
2. Lodging for approved overnight business-related functions as detailed below; and,
3. Actual meal expenses for business related activities when traveling out of town as explained below; and,
4. Incidental travel related expenses such as tolls, parking, etc.

15.1.d Unauthorized Expenses

1. Alcohol; and,
2. Appetizers unless ordered as a meal; and,
3. Snacks; and,
4. Personal expenses; and,
5. Expenses for family members or others; and,

6. Entertainment expenses such as tickets to concerts, plays, sporting events, etc.; and/or, maid tips.

15.1.e Modes of Transportation

The City will provide transportation when in the best interest of the City. It is expected that each employee will use the best means of traveling to and from the destination taking into consideration cost, time and transportation availability.

Employees needing to travel may use the following means of transportation:

1. City Vehicle – Employees without assigned City Vehicles may request a City Vehicle for business travel. City Vehicle issuance is based on availability and shall be approved by the department/division head that has responsibility for the assigned vehicle.
2. Commercial Carrier – Allowable expense is economy or tourist class if by air; first class day coach if by train. When possible, commercial travel should be planned far enough in advance to take advantage of reduced fares. Under no circumstances will an airline be selected, or route established solely for the purpose of accruing airline bonus points.
3. Private Vehicle - Rates for reimbursement will be the Reimbursable Mileage Rate (IRS business standard). Mileage will be determined by the usually traveled, most direct route in accordance with figures obtained by Google Maps or Map Quest applications. If approved, this use of a Private Vehicle may be selected but reimbursement will be limited to cost of the most economical mode of transportation available (i.e., limited to the total cost of reimbursable mileage to airport, airport parking, airfare, etc.).
4. Rental Vehicle - May be authorized if most economical either traveling to and from or at an authorized event.
5. Other Travel Related Expenses - Other business expenses directly attributed to City related travel such as public transportation, baggage fee, airport parking, taxi/bus fares, tolls and parking fees are allowed as long as receipts detailing the charges are provided.

Please note mileage will not be reimbursed for travel within the city limits of the City of Arkansas City.

15.1.f. Lodging

The City may pay lodging costs associated with attendance at an authorized business meeting, seminar or conference. Reimbursement will be for the best available room rate.

Phone calls and internet access charges on the hotel bill will be deducted unless identified as to who was called and the nature of City business conducted.

15.1.g. Meal Expense

Meals will be paid or reimbursed for actual cost (including tip not to exceed fifteen percent (15%)).

Expenses for meals associated with a training seminar or meeting within the city limits of Arkansas City will not be reimbursed.

When overnight stay is not required but an employee's travel extends their workday by three (3) hours, the employee will be provided with one (1) meal.

An itemized, original receipt must be submitted for reimbursement. The receipt must identify name and address of restaurant, date and itemized purchases.

Meal purchases must be done with good judgement and proper discretion. Employees are encouraged to use the U.S. General Services Administration (GSA) guidelines for acceptable expenses. Under no circumstance shall the amount exceed GSA guidelines for the area.

15.2 Certification/License Testing

When attempting Certification/License Testing (job requirement) the City will reimburse the employee for the cost of (1) the first attempt (pass or fail) and (2) the final successful attempt at testing. The expense for all other attempts will need to be paid by the employee.

Note: See the chapter of this Employee Manual titled "Commercial Driver's License (CDL)" for more information regarding reimbursement for CDL testing.

Chapter 16 - Attendance

16.1 Regularly Scheduled Work Shift

All employees are expected to be present at their assigned workplaces during the time assigned by their supervisor(s).

An employee's Regularly Scheduled Work Shift is the first, second, third, twelve (12) or twenty-four (24) hour shift and/or day(s) of the week the department/division head has determined is necessary for the employee to work to meet the needs of the City.

Any employee's Regularly Scheduled Work Shift may be subject to change at any time. Thus, the change determined by the department/division head becomes the employee's Regularly Scheduled Work Shift for that particular day.

All employees of City departments/divisions that serve the City every day, around the clock, may be required to work varying hours and shifts, including weekends and holidays, as the need may arise.

16.2 Absences

If you are unable to report for work, you need contact your supervisor at least thirty (30) minutes prior to your Regularly Scheduled Work Shift unless prevented from doing so by some circumstance(s) beyond your control.

You need to call-in each day you are absent, unless other arrangements have been made with the supervisor, another person higher in the Chain of Command or the Human Resources Division in cases of injury (either on or off duty injury), Domestic Violence or a Family Medical Leave Act (FMLA) qualified event.

You, yourself, need to call-in unless there are circumstance(s) beyond your control which will not allow you to do so. It generally is not permissible to have someone else call-in for you.

It is permissible to utilize text messaging as a method of contact with your supervisor. Please make sure your supervisor confirms receiving your text message.

You may be required to provide documentation of any medical or other excuse for being absent. The City reserves the right to utilize accrued, paid leave to make up for your missed time.

Failure to follow this procedure may put you at risk for a No Call/No Show on your Attendance Record and/or possibly disciplinary action.

16.3 Tardiness

If you should become aware that you will be late for work you need to notify your supervisor, another person higher in the Chain of Command or the Human Resources Division in cases of injury, Domestic Violence or a Family Medical Leave Act (FMLA) qualified event as soon as possible prior to the beginning of your Regularly Scheduled Work Shift unless prevented from doing so by some circumstance(s) beyond your control.

You may be required to provide documentation of any medical or other excuse for being late. The City reserves the right to utilize accrued, paid leave to make up for missed time.

16.4 Job Abandonment

If you should fail to report for duty without contacting your supervisor, another person higher in your Chain of Command or the Human Resources Division in cases of injury, Domestic Violence or a Family Medical Leave Act (FMLA) qualified event, and also fail to provide adequate justification for your absence for two (2) consecutive, Regularly Scheduled Work Shifts you may likely be deemed to have abandoned your position and voluntarily resigned from City employment.

Should you leave your Regularly Scheduled Work Shift without adequate justification or permission from the supervisor, another person higher in the Chain of Command or the Human Resources Division in cases of injury (either on or off duty injury), Domestic Violence or a Family Medical Leave Act (FMLA) qualified event you may likely be deemed to have abandoned your position and voluntarily resigned from City employment.

16.5 Inclement Weather

To the extent possible, all City facilities will remain open according to regularly scheduled business hours during Inclement Weather. The City Manager reserves the right to change business hours and/or close City facilities as conditions warrant.

Every effort should be made to be at work due to ongoing business requirements of the City. **However, you must make a personal judgment call pertaining to your personal safety in traveling to and from work.** In the case of an absence, you are asked to make every effort to notify your supervisor of the absence, according to City policy.

In the event Inclement Weather, including but not limited to snowstorm, flood or tornado, prevents you from safely traveling to work, you will need to use accumulated leave (excluding Sick Leave), to be compensated for this time. If you do not have unused, accrued, time off available, the time will need to be taken without pay.

When City facilities are closed early due to Inclement Weather, the City may, at the discretion of the City Manager, compensate those employees still present at the time of closing for the remainder of their Regularly Scheduled Work Shift.

Chapter 17 - Leave

17.1 Use of Paid leave

All types of paid leave will be applied against regularly scheduled workdays and regularly scheduled work hours only. Accrued and unused Paid Leave must be used to cover any time missed from your Regularly Scheduled Work Shift unless you are off work due to a work-related-injury, Administrative Leave or Suspension without Pay.

17.2 Pay Rate for all Types of Paid leave

Compensatory Time off, Holiday Premium Pay, Holiday Time Banked, Vacation Leave, Sick Leave, Safety Day Leave, Personal Business Day Leave, Injury Leave, Funeral/Bereavement Leave and Wellness Day Leave will be paid at the employee’s Base Pay Rate.

Please note: Compensatory Time off is earned at a rate of one and one-half (1½) hours for each hour worked for which Overtime compensation would otherwise be required.

17.3 Official City Holidays

The City observes thirteen (11) paid Official City Holidays per year:

OFFICIAL CITY HOLIDAYS		
1	New Year’s Day	January 1st
2	Martin Luther King Jr. Day	Third Monday in January
3	President’s Day	Third Monday in February
4	Memorial Day	Last Monday in May
5	Independence Day	July 4th
6	Labor Day	First Monday in September
7	Veterans Day	November 11th
8	Thanksgiving Day	Fourth Thursday in November
9	Friday following Thanksgiving Day	Friday following Thanksgiving Day
10	Christmas Day	December 25th
11	Floating Holiday	Designated annually by the City Manager

When any Official City Holiday falls on a Saturday, it will be observed on the prior Friday. When any Official City Holiday falls on a Sunday, it will be observed on the following Monday.

You may take time off to observe your religious holidays. If available, you may use any accrued, paid leave as well as any Compensatory Time. Sick Leave usage will not be available for this purpose. Should none of the above mentioned be available you will need to take the time off without pay. Please schedule the time off in advance with your supervisor(s).

Eligible City employees may be entitled to Holiday Pay, as specified below, after their first day of employment.

17.3.a. Holiday Pay

- 1 Full-Time employees who DO work on an Official City Holiday will receive eight (8) hours of Holiday Pay in addition to their regular wages for the time worked that day.
- 2 Full-Time, Fire/Emergency Medical Services (EMS) Department employees working on a 7(k) Exemption (Work Period Method) who DO work on an Official City Holiday will receive twelve (12) hours of Holiday Pay in addition to their regular wages for the time worked that day.
- 3 Full-Time employees who are NOT required to work on an Official City Holiday will receive eight (8) hours of Holiday Pay.
- 4 Full-Time, Fire/Emergency Medical Services (EMS) Department employees working on a 7(k) Exemption (Work Period Method) who are NOT required to work on an Official City Holiday will receive twelve (12) hours of Holiday Pay.

Holiday Pay is paid at a rate equivalent to the Base Pay Rate.

17.3.b. Holiday Time Banked

Holiday Time Banked is paid time off, at the employee's request, that is accumulated in lieu of the payment of Holiday Pay.

All eligible employees (all employees except Fire/Emergency Medical Services (EMS) personnel working on a 7(k) Exemption (Work Period Method)) may accumulate up to twenty-four (24) hours of Holiday Time Banked. Any accumulation in excess of twenty-four (24) hours will be paid on the next Payroll Check.

All, Full-Time, Fire/EMS personnel working on a (7(k) Exemption (Work Period Method)) may accumulate up to eighty (80) hours of Holiday Time Banked. Any accumulation in excess of eighty (80) hours will be paid on the next Payroll Check.

Accumulated Holiday Time Banked shall be converted to cash payment during active employment only in the event the employee reaches the maximum accumulation of Holiday Time Banked hours.

17.3.c. Unpaid Leave (Holiday Pay)

Employees who are on any type of unpaid leave or who have used unpaid leave during the calendar week in which the Official City Holiday occurs shall not be eligible for Holiday Pay.

17.3.d. Other Types of Leave on an Official City Holiday

Official City Holidays that fall during within an approved, scheduled Vacation Leave or Sick Leave will be recorded as Holiday Pay.

No other type of Paid leave can be requested or paid on an Official City Holiday. Holiday Pay supersedes all other types of leave. For example, one cannot claim Vacation Leave Pay on an Official City Holiday. Only Holiday Pay will apply.

Those scheduled to work more than eight (8) hours on an Official City Holiday may request additional paid leave, with the exception of Sick Leave, to make up for the regularly scheduled hours over the eight (8) hours of Holiday Pay.

17.3.d. Holiday Premium Pay (Call-Outs on a Holiday)

Call-Outs on an Official City Holiday shall be considered a Premium Pay situation. Holiday Premium Pay shall be excluded from the Regular Pay Rate for purposes of calculating Overtime Pay owed.

17.3.e. Overtime and Official City Holidays

Employees are not excused from Overtime Work on an Official City Holiday. Holiday Pay is counted towards the Overtime Pay threshold for those employees in Overtime-eligible positions.

Please note: Holiday Pay is the only type of paid leave to be considered in the Overtime Pay threshold calculation.

17.3.f. Holiday Time Banked Separation Payments

The City will convert Holiday Time Banked to cash payment at the employee’s Base Pay Rate at the time of the employee’s Separation. All Holiday Time Banked will be paid to the employee upon separation from City employment.

17.4 Vacation Leave

It is the intent of the City that all Full-Time employees shall be provided with special periods for rest and relaxation in recognition of services performed. Employees who receive occasional periods of rest are thought to be more productive, and these periods of rest may also help to provide a safer work environment for themselves and those around them. It is for these reasons that the City provides paid Vacation Leave to Full-Time employees.

17.4.a. Vacation Leave Accrual

All regular, Full-Time employees accrue Vacation Leave each Payroll Period according to their position and years of service with the City.

Full-Time employees, excluding Fire/Emergency Medical Services (EMS) Department employees working on a 7(k) Exemption (Work Period Method), accrue paid Vacation Leave according to the following schedule:

MONTHS OF CONTINUOUS, FULL-TIME EMPLOYMENT	VACATION HOURS ACCRUED PER YEAR	MAXIMUM ACCRUAL (HOURS)
0-59 Months	80	160
60-119 Months	120	240
120-179 Months	160	320
180+ Months	200	400

Full-Time, Fire/Emergency Medical Services (EMS) Department employees working on a 7(k) Exemption (Work Period Method) accrue paid Vacation Leave according to the following schedule:

MONTHS OF CONTINUOUS, FULL-TIME EMPLOYMENT	VACATION HOURS ACCRUED PER YEAR	MAXIMUM ACCRUAL (HOURS)
0-59 Months	112	224
60-119 Months	168	336
120-179 Months	224	448
180+ Months	280	560

Any employee who is/was employed in a Temporary/Seasonal classification or Part-Time classification and Transfers to a Full-Time classification must begin his or her Vacation Leave accrual as of the date of transfer to the Full-Time classification. Time spent in a Temporary/Seasonal Classification or Part-Time classification will not be counted towards years of service for Vacation Leave accrual.

Any employee who transfers from a Full-Time classification to a Part-Time classification shall be paid for all accrued, unused Vacation Leave.

In the event a Full-Time employee Transfers or is Promoted from a Full-Time position (old position) to another Full-Time position (new position), and the old position has a higher maximum accrual schedule than the new position, the City will pay the employee for his or her accrued vacation hours that exceed the maximum accrual hours of the new position at the time of transfer or promotion.

17.4.b. Vacation Leave Maximum Accrual

Employees may carry over earned Vacation Leave from one year to the next but may not accumulate more than two (2) years of total accrual at any time. In such cases, accrual will cease until such time that the accumulation level is less than two (2) years of accrual.

17.4.c. Vacation Leave Accrual Cessation

Vacation Leave will continue to accrue as long as the employee has accrued and unused Vacation Leave and/or Sick Leave available. Vacation Leave accrual will cease when all Vacation Leave and Sick Leave has been exhausted.

Employees using unpaid leave shall not be eligible to accrue Vacation Leave beginning with the Payroll Period following the start of the period of unpaid leave. Vacation Leave accrual will resume upon the employee’s Full-Time return from unpaid leave or upon the employee working an entire Payroll Period without the use of unpaid leave.

17.4.d. Vacation Leave Accrual and Use for Newly Eligible Employees

Paid Vacation Leave will begin to accrue on the first Payroll Check for newly eligible employees, but the employee may not use any Vacation Leave until the employee has completed six (6) months of continuous, Full-Time employment. Should the new employee separate from employment prior to six (6) months of continuous, Full-Time employment, the employee is ineligible to receive any type of payout of accrued, unused Vacation Time.

17.4.e. Vacation Leave Requests

Vacation Leave requests are asked to be made as far in advance of need as is practical. All employees shall fill out the appropriate form(s) requesting permission to take leave and the request must be approved by the employee’s department/division head prior to taking the Vacation Leave.

17.4.f. Departmental/Divisional Vacation Leave Scheduling

Department/division heads will plan vacation schedules to allow for a minimum of disruption to the department/division.

17.4.g. Vacation Leave and Workers' Compensation Payments

Employees who are receiving Injury Leave or Workers' Compensation payments for a work-related-injury are not able to use accrued or earned paid Vacation Leave while receiving such payments.

17.4.h. Cash Value of Vacation Leave

There are only three (3) situations in which City employees may receive payment for Vacation Leave, in lieu of taking the time off, while they are active employees:

1. If special or unusual circumstances beyond the employee's control prevent the timely use of accrued Vacation Leave, the City Manager may approve payment of the cash value of such Vacation Leave or portion thereof up to the specified maximum accrual limit, in excess of one (1) year of accrual.

Employees who think they meet the above criteria will need to complete a Leave Request Form noting the number of Vacation Leave hours for which they would like to receive payment. The employee must also attach a written statement explaining the special or unusual circumstances that caused or led to his or her inability to use Vacation Leave. These documents should be submitted to the department/division head, who shall forward to the City Manager for review.

2. Employees who accrue Vacation Leave at a rate of one-hundred-sixty (160) hours per year or more may, upon request, be paid the cash value of up to forty (40) hours of Vacation Leave in lieu of using those forty (40) hours of paid Vacation Leave. It should be noted that a minimum of one-hundred-sixty (160) hours of accrual shall remain available after the payment has been made. All such payments will be made in November/December of each year.

Employees who think they meet the above criteria will need to complete a Leave Request Form noting the number of Vacation Leave hours for which they would like to receive payment. This document should be submitted to the department/division head, who shall forward it to the City Manager for review.

3. Any employee who transfers from a Full-Time classification to a Part-Time classification shall be paid for all accrued and unused Vacation Leave.

17.4.i. Vacation Leave Separation Payments

All regular, Full-Time employees separating from City employment and who have given, and satisfactorily completed, an appropriate Notice Period of their regular schedule through two (2) calendar weeks, as defined in the Separation from City Employment policy will receive payment for all accrued and unused Vacation Leave.

Please note employees with less than six (6) months of continuous, Full-Time employment will not receive payment for accrued and unused Vacation Leave.

Note: See the section of this Employee Manual titled "Separation from City Employment" for more information regarding Notice Period.

17.5 Sick Leave

All Full-Time employees who have been employed with the City for at least one (1) calendar month shall be eligible to take paid Sick Leave.

17.5.a. Sick Leave Accrual

All Full-Time employees shall accrue paid Sick Leave at the rate of four (4) hours per Payroll Period.

All Full-Time Fire/Emergency Medical Services (EMS) Department employees working on a 7(k) Exemption (Work Period Method) shall accrue 5.25 hours per Payroll Period.

17.5.b. Sick Leave Maximum Accrual

Those employees hired prior to April 1, 2020, may accumulate Sick Leave to a maximum of nine-hundred-sixty (960) hours. Any accumulation in excess of the above noted hours shall be forfeited and accrual shall cease until such time the accumulation level is less than nine-hundred-sixty (960) hours.

Those employees hired on or after April 1, 2020, may accumulate Sick Leave to a maximum of seven-hundred-twenty (720) hours. Any accumulation in excess of the above noted hours shall be forfeited and accrual shall cease until such time the accumulation level is less than seven-hundred-twenty (720) hours.

17.5.c. Sick Leave Accrual Cessation

Sick Leave will continue to accrue as long as the employee has accrued and unused Vacation Leave and/or Sick Leave available. Sick Leave accrual will cease when all Vacation Leave and Sick Leave has been exhausted.

Employees using unpaid leave shall not be eligible to accrue Sick Leave beginning with the Payroll Period following the start of the period of unpaid leave. Sick Leave accrual will resume upon the employee's Full-Time return from unpaid leave or upon the employee working an entire Payroll Period without the use of unpaid leave.

17.5.d. Sick Leave Accrual and Use for Newly Eligible Employees

During the first calendar month of employment, newly eligible employees shall accrue, but not yet be eligible to utilize Sick Leave. At the end of that period, the employee will be able to utilize Sick Leave with the approval of his or her supervisor and/or department/division head.

17.5.e. Sick Leave Utilization

Sick Leave shall be granted for the following:

1. Personal illness or physical incapacity;
2. Enforced quarantine of the employee;
3. Sickness requiring the employee's presence to attend to a member of the employee's Immediate Family, as defined below, when the leave is approved by the supervisor and/or the department/division head; and/or,
4. Medical and dental appointments.

17.5.f. Immediate Family

For the use of Sick Leave, Immediate Family is defined to include only an employee's:

- Spouse;
- Domestic Partner (living in same residence as employee);
- Child;
- Step-Child;
- Foster Child;
- Father;
- Step-Father;
- Mother; and/or,
- Step-Mother.

Please note that in certain circumstances the City Manager may approve Sick Leave usage for other familial relationships not listed above.

17.5.g. Sick Leave Requests

If you need to request to use Sick Leave please notify your supervisor at least thirty (30) minutes prior to the beginning of your Regularly Scheduled Work Shift, unless prevented from doing so by some circumstance(s) beyond your control.

Employees must submit the necessary leave request forms or certifications, and also notify the Human Resources Division if the reason for the leave is due to an injury (on or off duty), Domestic Violence or an FMLA qualifying event.

17.5.h. Verification of Sick Leave Use

A physician’s certificate may be requested at any time to affirm an employee’s illness or condition and the employee’s fitness to return to work. Verification for Sick Leave requested may be required at the discretion of the City Manager or the department/division head. No pay shall be granted for any Sick Leave that cannot be verified.

When an employee is on Sick Leave in excess of five (5) working days (three (3) working days for employees working under the 7(k) Exemption in the Fire/EMS Department), has just been released from the hospital or experiences another unusual circumstance such as, but not limited to, a work-related injury, a physician’s release will be required prior to returning to work.

Employees are responsible for informing the Human Resources Division if an accommodation is needed, or of any health issues or restrictions that could interfere with their ability to safely and effectively perform the duties of the position.

17.5.i. Sick Leave and Workers’ Compensation Payments

Employees who are receiving Workers’ Compensation payments for a work-related-injury are not able to use accrued or earned paid Sick Leave while receiving such payments.

17.5.j. Sick Leave Separation Payments

All regular, Full-Time employees hired prior to April 1, 2020, who are separating from City employment and who have given, and satisfactorily completed, an appropriate Notice Period will receive payment for a predetermined percentage (based on continuous, Full-Time months of service) of all accrued and unused Sick Leave, up to a maximum of no more than four-hundred-eighty (480) hours. Please note employees with less than forty-eight (48) months of continuous, Full-Time employment shall not receive payment for accrued and unused Sick Leave upon Separation.

For employees hired prior to April 1, 2020, please refer to the chart directly below for determining the amount of Sick Leave payout (if appropriate Notice of Intent to Separate from City Employment has been given and successfully completed):

MONTHS OF CONTINUOUS EMPLOYMENT	SICK LEAVE PAYOUT
0-47 full months of continuous, Full-Time employment	0% payout
48-95 full months of continuous, Full-Time employment	25% payout, up to 480 hours
96-143 full months of continuous, Full-Time employment	50% payout, up to 480 hours
144-191 full months of continuous, Full-Time employment	75% payout, up to 480 hours
192+ full months of continuous, Full-Time employment	100% payout, up to 480 hours

All regular, Full-Time employees, hired on or after April 1, 2020, who are separating from City employment who have given, and satisfactorily completed, an appropriate Notice Period will receive payment for a predetermined percentage (based on continuous, Full-Time months of service) of all accrued and unused Sick Leave, up to a maximum of no more than three-hundred-sixty (360) hours. Please note employees with less than forty-eight (48) months of continuous, Full-Time employment shall not receive payment for accrued and unused Sick Leave upon Separation.

For employees hired on or after April 1, 2020, please refer to the chart directly below for determining the amount of Sick Leave payout (if appropriate Notice of Intent to Separate from City Employment has been given and successfully completed):

MONTHS OF CONTINUOUS EMPLOYMENT	SICK LEAVE PAYOUT
0-47 full months of continuous, Full-Time employment	0% payout
48-95 full months of continuous, Full-Time employment	25% payout, up to 360 hours
96-143 full months of continuous, Full-Time employment	50% payout, up to 360 hours
144-191 full months of continuous, Full-Time employment	75% payout, up to 360 hours
192+ full months of continuous, Full-Time employment	100% payout, up to 360 hours

Note: See the chapter of this Employee Manual titled "Separation from City Employment" for more information regarding Notice Period.

17.6 Personal Business Day Leave

All eligible, Full-Time employees will accrue eight (8) hours of Personal Business Day Leave upon hire, but are not able to utilize that Personal Business Day Leave until they have been continuously employed with the City for at least two (2) calendar months in a Full-Time classification. Full-Time employees will receive eight (8) hours of Personal Business Day Leave on January 1st of each calendar year.

Personal Business Day Leave may be requested for use at any time during the corresponding calendar year. Scheduling is subject to the approval of the department/division head. Current employees cannot receive payment in lieu of time off for Personal Business Day Leave. Please note Personal Business Day Leave may not be carried forward to the next year.

Employees who are eligible to receive a Personal Business Day Leave on January 1st, but who are on unpaid leave, shall accrue the Personal Business Day the first day of the Payroll Period following the employee's return to Full-Time work.

17.6.1 Personal Business Day Leave Separation Payments

Should an employee have unused Personal Business Day Leave upon Separation from employment the City will provide payment for unused Personal Business Day Leave if the separating employee has provided and successfully completed an appropriate Notice Period.

Note: See the chapter of this Employee Manual titled "Separation from City Employment" for more information regarding Notice Period.

17.7 Safety Day Leave

Each year in January, Full-Time employees who have at least one (1) year of continuous, Full-Time service with the City may be eligible for additional paid leave called Safety Day Leave. The Safety Day Leave will be given, or not given, depending on whether the City's total number of lost time injury days and dollar losses for injuries is greater than or less than the prior twelve (12) month period (January 1st through December 31st of each year).

The City Manager will review the statistical information and determine if the safety performance of the organization for the previous twelve (12) month period qualifies for awarding this benefit. If awarded, the eight (8) hours of Safety Day Leave may be taken by each eligible employee as a day off at a time of his or her choosing, with supervisory approval, prior to December 31st of the year in which the leave is granted.

Employees who are eligible to receive Safety Day Leave on January 1st, but who are on unpaid leave, shall accrue the Safety Day the first day of the Payroll Period following the employee's return to Full-Time work.

In addition, at the employee's option, the employee may exchange the Safety Day Leave for eight (8) hours of additional compensation. If the employee chooses this option, they should notify his or her department/division head. Please note Safety Day Leave may not be carried forward to the next year.

17.7.a. Safety Day Leave Separation Payments

Should an employee have unused Safety Day Leave upon Separation from employment the City will provide payment for unused Safety Day Leave if the separating employee has provided and successfully completed an appropriate Notice Period.

Note: See the chapter of this Employee Manual titled "Separation from City Employment" for more information regarding Notice Period.

17.8 Wellness Day Leave

Employees who have reached the predetermined maximum accrual of Sick Leave shall be eligible for Wellness Day Leave if they maintain maximum accrual and do not use any Sick Leave for a period of six (6) consecutive, calendar months.

Wellness Day Leave consists of eight (8) hours of time off with compensation. Please note Wellness Day Leave is not eligible for any sort of payout while currently employed. Wellness Day Leave was created to allow the employee to take time off away from the workplace.

17.8.a. Wellness Day Leave Separation Payments

Should an employee have unused Wellness Day Leave upon Separation from employment the City will provide payment for all unused Wellness Day Leave.

17.9 Military Leave/Uniformed Services Employment and Reemployment Act (USERRA)

City employees who are inducted into the U.S. Armed Forces or who are National Guard or Reserve members of the U.S. Armed Forces will be granted leaves of absence for military service, training or other obligations in compliance with state and federal laws.

Employees are requested to notify their supervisors as soon as they are aware of their military obligation.

17.9.a. Benefits while on Military Leave

To continue to receive compensation from the City, these employees may use any type of accrued, paid leave (except Sick Leave) but are not required to do so, it is solely their choice. Employees will continue to accrue Vacation Leave and/or Sick Leave, up to specified maximum limits, while on military leave of absence status.

All other benefits will be handled according to Plan Document(s). The employee's Health and Dental Insurance shall continue through the last day of the month in which the employee actually worked. After this, the employee and

covered dependents can continue group Health Insurance up to twenty-four (24) months at one-hundred two percent (102%) of the overall (both employer and employee) premium rate.

Note: See the chapter of this Employee Manual titled "Benefits" for more information regarding COBRA eligibility.

17.9.b. Return from Military Leave

At the conclusion of the leave, employees generally have the right to return to the same position held prior to the leave or to positions with equivalent seniority, pay and benefits. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service:

1. Employees on military leave for up to thirty (30) days are required to return to work for the first Regularly Scheduled Work Shift after the end of service, allowing reasonable travel time.
2. If the period of service was thirty-one (31) days or more, but less than one-hundred-eighty-one (181) days, the employee must contact the City to make arrangements for their return to active employment status no later than fourteen (14) days following completion of service.
3. For service in the military for over one-hundred-eighty (180) days, the employee must contact the City to make arrangements for their return to active employment status no later than ninety (90) days following completion of service.

Employees are encouraged to contact the Human Resources Division regarding these timelines.

17.10 Domestic Violence/Sexual Assault Leave

An employee is eligible for leave if they are the victim of Domestic Violence or Sexual Assault. Employees shall first use their accrued, paid leave. If an employee does not have accrued, paid leave or uses all accrued, paid leave, the employee will be granted unpaid leave not to exceed a total of eight (8) days in a calendar year.

An employee who is the victim of Domestic Violence or Sexual Assault will be provided leave for any of the following:

1. To obtain or attempt to obtain any relief to help insure the health, safety or welfare of the victim or the victim's children, including, but not limited to: a temporary restraining order, restraining order or injunctive relief;
2. To seek medical attention for injuries caused by Domestic Violence or Sexual Assault;
3. To obtain services from a Domestic Violence shelter, Domestic Violence program, or Sexual Assault crisis center as the result of Domestic Violence or Sexual Assault; and/or,
4. To appear in court proceedings as a result of Domestic Violence or Sexual Assault.

In order to qualify for leave, the employee needs to give reasonable advance notice to the Human Resources Division unless such notice is not possible. Within forty-eight (48) hours of returning from leave, the employee is asked to provide the Human Resources Division documentation that supports the need for the leave, which may include, but is not limited to, any of the following:

1. A police report verifying that the employee was the victim of Domestic Violence or Sexual Assault;
2. A court order of protection or other evidence from the court or the prosecuting attorney; or

3. Documentation from a medical professional, Domestic Violence advocate, advocate for victims of Sexual Assault, health care provider or counselor for the employee verifying that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of Domestic Violence or Sexual Assault.

Employees will not accrue Vacation Leave and/or Sick Leave while on unpaid leave for Domestic Violence or Sexual Assault, except an employee may accrue Vacation Leave and/or Sick Leave while on paid leave as set forth in those sections of this Employee Manual.

17.11 Funeral Leave

Up to twenty-four (24) hours of leave with pay (not charged to other leave time) shall be granted to regular, Full-Time employees upon request to grieve the loss of, to make arrangements for and attend funeral services of the following:

- Spouse
- Domestic Partner
- Child
- Step-Child
- Child of the domestic partner
- Parent
- Step-Parent
- Parent-in-Law
- Grandparent
- Step-Grandparent
- Grandparent-in-Law
- Grandchild
- Step-Grandchild
- Brother
- Step-Brother
- Sister
- Step-Sister
- Daughter-in-Law
- Son-in-Law
- Brother-in-Law
- Sister-in-Law
- Any relative living in the same household as the employee

Should you need more time off work due to the loss of anyone listed above you may take additional time off by utilizing any type of accrued leave including Sick Leave.

With your supervisor's approval, you may take time off to attend funerals of other relatives and friends. All types of accrued leave, except Sick Leave, may be used for this purpose.

17.12 Jury Duty Leave

It is your civic duty as a citizen to report for Jury Duty whenever called. If you are called for Jury Duty, you need to notify your supervisor immediately upon receipt of the jury summons.

The City of Arkansas City will pay you eight (8) hours of wages per day for a maximum of three (3) days of jury service. Should you be required to serve longer than three (3) days you may use accrued, paid leave (except Sick Leave) to make up for lost wages due to Jury Duty.

You must report for work if you are released from Jury Duty before the end of your Regularly Scheduled Work Shift or if you are temporarily released from Jury Duty.

17.13 Voting Leave

The City considers voting to be a civic responsibility. City employees are entitled to a period of two (2) hours off of work in which to vote as specified in this section.

If an employee is scheduled to work for the entire time that the polls are open, the employee is entitled to take two (2) continuous hours off work in order to vote. If the polls are open for a period of two (2) hours during which an employee is not scheduled to work, the employee will not receive any time off and must vote during the time he or she is not scheduled to work.

17.14 Family and Medical Leave Act (FMLA)

The City of Arkansas City complies with the Family and Medical Leave Act (FMLA) and will grant up to twelve (12) weeks of leave during a twelve (12)-month period to eligible employees (or up to twenty-six (26) weeks of military caregiver leave).

The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns or disputes with this policy, please contact the Human Resources Division.

17.14.a. Eligible Employees

To be eligible for FMLA benefits, an employee must:

- 1. Work for a covered employer;
- 2. Have worked for the covered employer for at least twelve (12) months;
- 3. Have worked at least one-thousand two-hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the leave; and,
- 4. Work at a location in the United States, or in any territory or possession of the United States, where at least fifty (50) employees are employed within seventy-five (75) miles by the City of Arkansas City.

Employment periods prior to a break in service of seven (7) years or more will not be counted toward the twelve (12) months of service requirement, unless the break is occasioned by the employee’s fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)).

An employee who is among the highest paid ten percent (10%) of City employees within seventy-five (75) surface miles can be denied job restoration if keeping the job open for that employee would result in the City suffering substantial and grievous economic injury. However, once the employer has notified the employee that the employer intends to deny job restoration to the employee, the employee will be given the opportunity to return to work.

17.14.b. Twelve (12) Week Leave Entitlement

The City of Arkansas City shall grant an eligible employee up to a total of twelve (12) Work Weeks of unpaid leave during any twelve (12) month calendar-year period for one (1) or more of the following reasons:

- 1. For the birth and care of a newborn child of the employee;
- 2. For placement with the employee of a son or daughter for adoption or foster care;
- 3. To care for the employee’s spouse, son, daughter or parent with a serious health condition;

4. Because of a serious health condition that renders the employee unable to perform the functions of the employee's job; and/or,
5. For a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or called to active duty status.

17.14.c. Military Caregiver Leave (Twenty-Six (26) Week Leave Entitlement)

An eligible employee who is a spouse, son, daughter, parent or next of kin of a covered servicemember with a serious injury or illness shall be entitled to a total of twenty-six (26) Work Weeks of unpaid leave during a single twelve (12) month calendar period to care for the servicemember. The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later.

An eligible employee is limited to a combined total of twenty-six (26) Work Weeks of leave during a single twelve (12) month period for any FMLA-qualifying reason (or combination thereof).

17.14.d. Intermittent or Reduced Schedule Leave

When medically necessary for an employee's serious health condition, or the serious health condition of a spouse, child or parent, leave may be taken in separate blocks of time for a single qualifying reason or by way of a reduced weekly or daily work schedule. In such circumstances, the City can require the employee to temporarily transfer to an alternative position which is equivalent in pay and benefits or a Part-Time schedule that better accommodates recurring absences.

Intermittent or reduced leave may be taken only with the City's consent for the care of a newborn child, a newly adopted child or a child recently placed for foster care. Consent is not required if an employee needs to take leave for his or her own serious health condition in connection with the birth of a child or for the newborn's serious health condition.

When leave is needed for planned medical treatment, employees must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations.

17.14.e. Spouses' Combined Leave

Spouses who are both employed by the City of Arkansas City are entitled to a joint total of 12 weeks of leave for the birth of a child, or for placement for adoption or foster care of a child or for the care of a parent with a serious health condition. Leave for birth and care, or placement for adoption or foster care, must conclude within twelve (12) months of the birth or placement. Spouses who are both employed by the City of Arkansas City also are entitled to use a combined total of twenty-six (26) weeks of leave to care for a covered servicemember with a serious injury or illness during the same single twelve (12) month period.

17.14.f. Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for leave to the department/division head or the Human Resources Division.

Requests should be made no later than thirty (30) days prior to the anticipated start date of the leave except where the need is unforeseeable, or such notice is impracticable. If the leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as possible.

When the need for leave is not foreseeable, the employee must provide notice to the City prior to the start of the employee's Regularly Scheduled Work Shift, absent unusual circumstances. Failure to make a timely request for

FMLA leave—in other words, to put the City on notice of the need for leave—may mean that all, or part, of the employee’s time off may not qualify as FMLA leave or such leave may be delayed.

Once leave is taken, employees shall regularly report their status to the Human Resources Division.

17.14.g. Use and Accrual of Paid and Unpaid Leave While on FMLA Leave

FMLA leave will run concurrently with the use of all available paid leave. If the employee has accrued, paid leave, the employee must use all accrued, paid leave first and then take the remainder of the FMLA leave as unpaid leave.

All accrued, paid Sick Leave must be exhausted first before entering into any other type of paid leave, or unpaid leave, while on FMLA leave.

17.14.h. Workers’ Compensation and Short-Term Disability While on FMLA Leave

Leave for a Workers’ Compensation injury (to the extent that it qualifies) may be designated as FMLA leave and may run concurrently with FMLA leave.

Employees who are receiving any type of short-term disability payments (such as Workers’ Compensation Temporary Total Disability) for the same leave that qualifies for FMLA leave with the City shall not use accrued or earned Paid leave while on FMLA leave. In this case, the employee must notify the Human Resources Division of any short-term disability payments.

17.14.i. Medical Certifications

The City of Arkansas City will require Medical Certification, by a health care provider, to support an employee’s request for leave due to the employee’s own serious health condition, or to care for a seriously ill child, spouse or parent.

Certification of an employee’s serious health condition must include, among other things, a statement that the employee is unable to work at all or is unable to perform at least one (1) of the essential functions of his or her position. For leave to care for a seriously ill child, spouse or parent, the certification must include, among other things, an estimate of the amount of time the employee is needed to provide care.

The City will provide employees with a certification form when certification is required. Employees must return the requested certification to the City within fifteen (15) calendar days after the City’s request, absent extenuating circumstances. Employees must provide a complete and sufficient certification. Failure to submit the necessary Medical Certification(s) may mean that all, or part, of the employee’s time off may not qualify as FMLA leave.

17.14.i.1. Clarification of Medical Certification

The City’s health care provider or the Human Resources Division may clarify a Medical Certification of a serious health condition with the employee’s health care provider. The City of Arkansas City may require a second medical opinion, and subsequent and periodic Recertifications, at its expense. If the employee’s and employer’s opinions conflict, the City may require the binding opinion of a third health care provider, whose identity the City and employee must approve, and which shall be paid for by the City.

17.14.i.2. Recertification

The City may request Recertification of the serious health condition of the employee or the employee’s family member no more frequently than every thirty (30) days, unless circumstances have changed significantly, the employer receives information casting doubt on the reason given for the absence or the employee seeks an extension of his or her leave. Otherwise, the City may request

Recertification of the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence.

The City may ask for the same information when obtaining Recertification that was permitted for the original certification. The employee has the same obligations to participate and cooperate in the Recertification process as in the initial certification process, including providing a complete and sufficient certification or adequate authorization to the health care provider. If the employee fails to provide a Recertification within fifteen (15) calendar days after the City's request, absent extenuating circumstances, the employer may deny continuation of the FMLA leave protections until the employee produces a sufficient Recertification. If the employee never produces the Recertification, it may mean that the employee's time off may not qualify as FMLA leave. The cost of the Recertification is the responsibility of the employee.

17.14.i.3. Certifications for Military Family Leave

The City will require certification to support an employee's request for military family leave arising from the employee's qualifying exigency, or to care for a covered servicemember with a covered serious illness or injury. The City will provide employees with a certification form when certification is required. Employees must return the requested certification to the City within fifteen (15) calendar days after the City's request, absent extenuating circumstances. Employees must provide a complete and sufficient certification. Failure to submit the necessary Medical Certifications may mean that all, or part, of the employee's time off may not qualify as FMLA leave.

17.14.j. Benefits during FMLA Leave

Group Health Insurance coverage will continue for employees on FMLA leave as if they were not on leave and will do so on the same conditions as coverage would have been provided if the employee had been working continuously during the entire leave period. Employees who paid part of the premiums to maintain health coverage before taking leave must, to continue coverage during leave, continue to make those payments, and the payments should be coordinated through the Human Resources Division.

Should the employee fail to return to work, or remain at work upon return for less than thirty (30) days, for reasons other than serious health conditions or retirement, or for reasons beyond the employee's control, the City may recover from the employee the costs of payments made to continue the employee's Health Insurance (the employee's contribution as well as the employer's contribution).

17.14.k. Status of Additional Benefits during FMLA Leave

If the employee elected and contributes to other benefit plans, the employer will continue making Payroll Deductions while the employee is on paid FMLA leave. While on unpaid FMLA leave, the employee may (to be determined by the benefits provider – Official Plan Document(s)) elect to continue these benefits through personal payment. If approved, the payment must be received by the City by the first (1st) day of each month for that month's corresponding coverage. If the payment is more than thirty (30) days late, the employee's additional benefits may be dropped for the duration of the leave.

An employee returning from FMLA leave may be able to reinstate his or her benefits potentially lost during his or her leave. Eligibility may be determined by the employer and the benefits providers (e.g., insurance companies) and Official Plan Document(s).

At times, the employer may elect to maintain other benefit plans, for the employee, while the employee is on unpaid leave FMLA leave by paying the employee's share of the premium payments. If the employer maintains this coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

17.14.l. Medical Certification to Return to Work

Employees returning to work following FMLA leave may be required to provide the Human Resources Division with a release from a health care provider, allowing the employee to return to duty, prior to reporting for duty. Employees who fail to provide the release to return to duty may not be permitted to resume work until that document is provided.

Employees who are absent on an intermittent or reduced leave schedule may be asked to provide a certification of fitness to return to duty for such absences up to once every thirty (30) days (or at any interval not to exceed every thirty (30) days) if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave.

If, while on FMLA leave, an employee obtains physician-imposed restrictions, the employee must report this to the Human Resources Division, prior to returning to work. The employee will be required to provide a physician's statement detailing the employee's restrictions, if any, and may be asked to provide a Fit-For-Duty Certification with regard to the particular health condition that caused the employee's need for FMLA leave.

This certification would specifically address the employee's ability to perform the essential functions of the employee's job as identified by the employer. The cost of the certification shall be borne by the employee. The City may delay restoration to employment until an employee submits a required Fit-For-Duty Certification. An employee who fails to submit the required Fit-For-Duty certification is not entitled to reinstatement under the FMLA.

17.14.m. Job Restoration Following Return from FMLA Leave

Upon return from FMLA leave, an employee shall be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. An employee's use of FMLA leave shall not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, except that any bonus, payment or benefit based on the achievement of a specified goal, such as hours worked or perfect attendance, shall be denied on the same terms and conditions that such benefits are denied to employees on other types of non-FMLA leave.

17.14.n. Complaint Procedure

Any employee who believes that he or she has witnessed or experienced any employee interfering with an employee's leave, or retaliating against an employee for inquiring about, requesting or taking FMLA leave, shall immediately report the incident to a supervisor, department head or the Human Resources Division.

17.14.o. Limitations of Policy Provisions

The City of Arkansas City is committed to complying with the FMLA laws, regulations and interpreting authority. This policy generally describes critical FMLA provisions and is not intended to provide an exhaustive explanation of the Act. To the extent that anything in this policy is inconsistent with or prohibited by the prevailing FMLA laws bearing on this policy and binding on the City, then the law shall control. Any questions regarding the meaning of this policy, an employee's eligibility or entitlement to leave or an employee's return to work should be directed to the Human Resources Division.

17.14.p. Definitions

The terms used above shall be defined below:

Child – A child shall include a newborn, a child 18 and under, a child 18 and over unable to care for themselves due to disability, foster children, wards of the state and stepchildren.

Covered Servicemember – A covered servicemember includes:

1. Current members of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness; and,
2. Veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness at any time during the period of five (5) years preceding the date on which the veteran undergoes that treatment.

Inpatient Care – Inpatient care shall include an overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity (e.g., inability to work, attend school or perform other regular daily activities) or subsequent treatment in connection with such inpatient care.

Qualifying Exigencies – Qualifying exigencies, for purposes of leave to care for a military member, shall include:

1. Issues arising from a covered military member's short notice of deployment (e.g., seven (7) or less days of notice) for a period of seven (7) days from the date of deployment notification;
2. Attending military events and related activities, such as official ceremonies, programs or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
3. Certain childcare and school-related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a nonroutine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility and attending certain meetings at a school or a day care facility;
4. Making or updating financial and legal arrangements to address a covered military member's absence while on active duty or call to active duty status;
5. Attending counseling, for oneself, the covered military member, or the child of the covered military member, whereby the need for which arises from the active duty or call to active duty status of the covered military member;
6. Taking up to five (5) days of leave to spend time with a covered military member on temporary, rest and recuperation leave during deployment;
7. Attending certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status; or,
8. Address issues arising from the death of a covered military member while on active duty.

Parent – A parent means a biological, adoptive, step or foster mother or father, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents “in law.”

Serious Health Condition – A serious health condition means an illness, injury or impairment, or physical or mental condition that involves either:

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

Serious Injury or Illness of a Servicemember – For purposes of military caregiver leave, a serious injury or illness of a servicemember is an injury or illness which originally occurred, or which already existed but was aggravated, in the line of duty while on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating. It also includes an injury or illness which manifested itself either before or after the servicemember became a veteran.

17.15 Administrative Leave

Administrative Leave is a leave of absence from the employee’s assigned worksite with pay and benefits intact. Employees may be placed on Administrative Leave primarily for investigations or/and internal reviews to be conducted. An employee may be placed on Administrative Leave when an allegation of misconduct is made against them. During the leave, the City may investigate the situation before determining an appropriate course of action.

Administrative Leave does not, in itself, imply that an employee will be disciplined or that an allegation is credible, which is why pay, and benefits are not discontinued. Administrative Leave simply allows the City to investigate the incident and maintain the employee's status while at the same time removing them from the workplace, eventually leading to either their return or dismissal.

Police officers are routinely placed on Administrative Leave after a shooting incident while an investigation is conducted, without implying fault on the part of the officer.

Whistleblowers may also be placed on Administrative Leave as a way to protect them from potential Harassment.

17.16 Use of Unpaid Leave

Occasionally, for medical, personal or other reasons, you may need to be temporarily released from the duties of your job with the City. It is the policy of the City of Arkansas City to allow eligible employees to apply for and be considered for certain specific leaves of absence.

Time off for any reason during a Regularly Scheduled Work Shift will require use of accrued leave. Once you have used all accrued leave any additional time off will be without pay.

All requests for leaves of absence need to be submitted in writing to your supervisor. Each request shall provide sufficient detail such as the reason for the leave, the expected duration of the leave and the relationship of family members, if applicable.

17.16.a. Personal Leave of Absence without Pay

A Personal Leave of Absence without Pay may be granted in certain situations to employees who are not eligible for, or have exhausted all forms of available, paid leave. Personal Leave of Absence without Pay status is generally intended for the following situations:

- 1. Unplanned, extended situations not covered by other leave policies such as, but not limited to, medical leave and extended Funeral Leave; and/or,
- 2. Exhaustion of FMLA Leave entitlement and/or Workers' Compensation Temporary Total Disability without the ability to return to work immediately; and/or,
- 3. Any justifiable reason at the City's discretion provided the leave does not seriously disrupt the City's operations.

Employees, except those on Workers' Compensation Temporary Total Disability (TTD), will not be granted leave without pay status unless all of their accrued, paid leave has been exhausted.

Those employees on Workers' Compensation Temporary Total Disability (TTD) who have exhausted their FMLA leave or do not qualify for FMLA leave may be placed on Personal Leave of Absence without Pay although they may receive TTD and may still have accrued leave time available.

Personal Leave of Absence without Pay may be allowed, at the sole discretion of the City Manager, for no more than six (6) months.

This policy shall in no way subrogate or hinder the employee's eligibility for leave covered under the Family and Medical Leave Act or a reasonable accommodation according to the Americans with Disabilities Act or the Americans with Disabilities Amendments Act.

17.16.a.1. Benefits

Health, life or any other insurance shall be discontinued while on Personal Leave of Absence without Pay; unless, approved under the guidance of insurance policy restrictions. The employee pays the entire portion of any premium for health, dental, life or other group insurance policy. Employees may be eligible for COBRA continuation in this situation.

Any benefits under the KPERS and KP&F plans will be subject to the rules set forth by the public employees' retirement system.

No paid leave shall accrue, nor will other leaves of absence be available to an employee, while on Personal Leave of Absence without Pay.

17.16.a.2 Return to Work

The City cannot guarantee reinstatement to employees desiring to return from Personal Leave of Absence without Pay (unless such reinstatement is required by the USERRA or another federal or state law).

Employees returning to work following Leave of Absence without Pay are required to provide the Human Resources Division with any physician-imposed restrictions prior to returning to work and may be asked to complete applicable forms.

17.16.a.3. Inability to Return to Work

If the employee does not return to work from an Unpaid Leave of Absence by the specified return date, the City will assume the employee to have resigned and Separation processes shall be completed.

17.16.b. Exhausting Leave of Absence without Pay

Once an employee has exhausted all accrued leave and Personal Leave of Absence without Pay without eligibility for any other type of leave, the employee will be deemed to have exhausted all available leave options and the City shall separate the employee's employment.

If the employee leaves employment in good standing the employee may be considered for employment by application at any time in the future.

Chapter 18 - Illness, Injury and Fitness for Duty

It is very important that each employee maintains that level of physical or mental fitness required for performing his or her job. We understand that illness and/or injury may happen on or off duty and want to encourage you to always immediately report work related illnesses/injuries to your supervisor and/or department/division head; and, also understand that it is important to notify your supervisor and/or department/division head in cases of off duty illnesses or injury that may affect your ability to perform the functions of your job safely (for yourself and others).

18.1 Off Duty Illness or Injury

If an employee becomes ill or is injured off the job and obtains physician-imposed restrictions and/or medications which impair the employee’s ability to perform the job safely the employee should report this to the department/division head prior to returning to work.

The employee shall be required to provide a physician’s statement detailing the employee’s restrictions, if any, and may be asked to complete applicable forms. Together, the department/division head and the Human Resources Division will determine if the employee shall be allowed to return to work.

If reasonable, meaningful work which will not require the employee to violate his or her restrictions can be found, the employee may be allowed to return to a modified duty. In such cases, the employee and the department/division head will confirm the duties or responsibilities of the modified duty assignment and fully comply with the stipulations of the physician’s conditional release to return to work instructions.

If it is determined that no reasonable or meaningful work can be found, that will not require the employee to violate his or her restrictions, the employee will not be allowed to return to duty until such time reasonable, meaningful work that will not require the employee to violate his or her restrictions can be found, or until the employee provides the City with a release to return to regular duty.

If a modified duty assignment expires before the employee can return to his or her regular job, and it is determined that the employee is unable to safely perform the essential functions of his or her regular job, and no reasonable accommodation(s) exist that would allow the employee to do so, the employee may be administratively transferred to a position which would allow them to perform the essential functions of said position, with or without reasonable accommodation(s).

If this option is not available, the employee should consult the Human Resources Division for guidance on leave options.

If, after the employee has exhausted all available leave (paid and/or unpaid leave) and the employee still cannot return to his or her regular job, and no reasonable accommodation(s) exist that would allow the employee to do so, termination of employment may ensue.

If the physician releases the employee to return to full duty at any time during a modified duty assignment, it is the employee’s responsibility to inform the department/division head immediately.

18.2 Fit-for-Duty Exams

At times of illness or injury, whether currently working or just returning to work following an illness or injury, it may be necessary for the employer to assess whether the employee can return and perform the functions of the position safely.

A Fit-for-Duty Exam assists the employer in determining if the employee is physically and/or psychologically able to safely perform their job. Fit-for-duty exams can be performed for employees who are currently working or employees who are returning to work after illness or injury.

Any employee may be required to submit to a Fit-for-Duty Exam, possibly including a Physical Capacity Profile (PCP) test, in a variety of situations. The cost of such examination may be paid by the City.

Employees may be required to undergo a Fit-for-Duty Exam under the following conditions:

1. When actual problems exist or are reported regarding the employee's performance of any essential function of the position;
2. When there exist legitimate concerns about whether the individual, or his or her performance, poses a direct threat to the safety and health of themselves or others;
3. To determine the necessity for or existence of a reasonable accommodation; and/or,
4. When medical evaluation, screening and monitoring is required by federal, state or local law.

Elements of a Fit-For-Duty Assessment may include any of the following:

1. Any assessment, testing (including a Physical Capacity Profile (PCP) test) or exam that provides information on the employee's ability to perform the essential functions of the position; and/or,
2. A medical examination performed by an authorized physician chosen and agreed upon by the employee and the employer.

This policy shall in no way disregard or negate the rights of any employee with a disability covered under the Americans with Disabilities Act (ADA) or the Americans with Disabilities Act Amendments Act (ADAAA).

Chapter 19 - Drug and Alcohol-Free Workplace

The City of Arkansas City is a Drug-Free-Workplace. The City will uphold a good faith effort to maintain a Drug-Free-Workplace by publishing and providing this policy to all employees, informing them that the unlawful manufacture, distribution, dispensation, possession and/or use of controlled substances is prohibited in the workplace and specifying the actions that will be taken against employees who violate this policy.

The City of Arkansas City has established a drug awareness program to make employees aware of:

- The dangers of drug abuse in the workplace;
- The City's policy of maintaining a Drug-Free-Workplace;
- Available drug counseling, rehabilitation and employee assistance programs (EAP); and,
- The penalties that may be imposed upon employees for drug abuse violations.

The City of Arkansas City has notified employees of the following:

- Employees must abide by the terms of the policy statement;
- Employees must notify the employer, within five (5) calendar days, if they are convicted of a criminal drug violation;
- The drug testing requirements involved in Department of Transportation (DOT) regulated positions;
- Applicable City policies regarding drug testing;
- The employer will impose a penalty on or requiring satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted of a reportable workplace drug violation.
- As a condition of employment, employees are required to abide by the terms of this policy. (This substance abuse policy primarily governs actions in the areas of alcohol and drugs.)
- Violations of the City's Drug-Free-Workplace policy will likely result in immediate discipline, up to and including termination.

19.1 Drug and Alcohol Policy Definitions

For purposes of the City's Drug and Alcohol-Free Workplace policy, the following terms are defined:

Illegal Drugs - Illegal Drugs are drugs or controlled substances that are:

1. Not legally obtainable; or,
2. Legally obtainable, but not obtained or used in a lawful or prescribed manner.

The term "Illegal Drugs" also includes mind-altering and/or addictive substances that are not sold as drugs or medicines but are used for a mind-altering or behavior-altering effect (e.g., glue, peyote).

Legal Drugs - Legal Drugs are those prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

City Property - The term "City Property" includes work sites; parking lots; vehicles; offices owned, rented, utilized or serviced by the City; employee-owned or employee-rented vehicles on the property of the City or of any customer of the City while on City business; and locations where the employee represents the City in any capacity.

On Duty - The term "On Duty" includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the City in any capacity.

EAP - Employee Assistance Program.

19.2 Drug Use Prohibitions

The use, sale, purchase, possession, manufacture, distribution or dispensing of Illegal Drugs on City property or while on duty is against City policy. It also is against City policy for any employee to report to work or to work with the presence of Illegal Drugs in the employee’s body. The consumption, possession or the state of being under the influence of Illegal Drugs on City property or while on duty is also a violation of City policy. All of the above actions are strictly prohibited by the employer.

The use of Legal Drugs also can affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any Legal Drug that might impair safety, performance or any motor function must advise his or her supervisor as well as the Human Resources Division before reporting to work under the influence of such medication. Improper use of Legal Drugs also is strictly prohibited.

In Call-Out situations, employees should not report for duty if their performance could/would be impaired by the use of Illegal and/or Legal Drugs and the employee should so indicate to the supervisor requesting that the employee return to duty. If an employee returns for Call-Out and, in the opinion of the supervisor, his or her performance and the safety of others is impaired by the use of Illegal and/or Legal Drugs, the supervisor shall have the employee discontinue duties and tested for the presence of drugs (Illegal and/or Legal) in his or her system. A supervisor or his or her designee shall escort the employee to the testing facility and then home. Employees shall not be allowed to drive themselves to the testing facility or home from the workplace.

In addition, refusal to submit to, efforts to tamper with or failure to pass a drug test will result in disciplinary action, up to and including termination.

19.3 Alcohol Use Prohibitions

The consumption, possession or the state of being under the influence of alcohol on City property or while on duty is a violation of City policy. These actions are strictly prohibited by the employer.

In Call-Out situations, employees should not report for duty if their performance could/would be impaired by the use of alcohol and should so indicate to the supervisor requesting that the employee return to duty. If an employee returns for Call-Out and, in the opinion of the supervisor, his or her performance and the safety of others is impaired by the use of alcohol, the supervisor shall have the employee discontinue duties and tested for the presence of alcohol in his or her system. A supervisor or his or her designee shall escort the employee to the testing facility and then home. Employees shall not be allowed to drive themselves to the testing facility or home from the workplace.

An alcohol test result of .02 or higher will be considered positive. For Department of Transportation (DOT) regulated positions, a .04 or above requires referral to a Substance Abuse Professional (SAP). Employees should refer to the City’s FMCSA/DOT Drug and Alcohol Testing Policy/Program if they must possess a Commercial Driver’s License (CDL) to perform the functions of their job with the City.

In addition, refusal to submit to, efforts to tamper with or failure to pass an alcohol test will result in disciplinary action, up to and including termination.

19.4 Post-Accident Drug and Alcohol Testing

The following events may trigger post-accident drug and/or alcohol testing:

1. Any type of accident;
2. A fatality;
3. An automobile accident;
4. An injury to any employee that requires medical treatment;
5. A serious injury to any other individual when a City employee is involved; and/or,
6. Damage in excess of five-hundred dollars (\$500.00) to vehicles and/or other property.

19.5 Reasonable Suspicion Drug and Alcohol Testing

Employees of the City may be required to submit to testing for being under the influence of drugs or alcohol when their behavior and/or job performance indicates their ability to perform the duties of their position is being impaired by the use of a controlled substance, Illegal or Legal Drug(s), or where information is provided by a reputable source that indicates abuse of drugs and/or alcohol. In these cases, the employee may be required to undergo immediate testing for drugs and/or alcohol in his or her system.

19.6 Drug Testing for Safety Sensitive Positions

The City may conduct pre-employment testing on designated Safety Sensitive positions at the time of hire, Transfer or Promotion, as well as random testing of designated Safety Sensitive positions.

Random testing of Safety Sensitive employees will be conducted in a manner consistent with the requirements of state and federal law, where applicable. Safety Sensitive positions include, but are not limited to truck drivers, police officers, firefighters and employees in charge of potentially dangerous equipment.

19.7 Drug and Alcohol Testing for Employees Holding a Commercial Driver's License (CDL)

Employees holding a Commercial Driver's License (CDL), who utilize the license in the performance of their job, must comply with random drug and alcohol testing as required by federal law.

19.8 Return to Duty Drug and Alcohol Testing

Any employee who violates this policy and is not terminated must meet all of the following conditions before returning to work:

1. Be referred to the City's Employee Assistance Program (EAP) and have been evaluated by a Substance Abuse Professional (SAP);
2. Complete the recommended evaluation/rehabilitation program successfully; and,
3. Receive a verified negative test result on a Return to Duty test.

19.9 Drug and/or Alcohol Testing Results

Results of an applicant's or employee's test for the use of Illegal Drugs or alcohol shall be submitted to the Human Resources Division.

19.10 Arrest or Conviction for Drug-Related Crime

If an employee is arrested or convicted of a drug-related crime, the City may investigate the circumstances and City officials may require a drug test.

As a condition of employment, an employee shall notify his or her department/division head of any criminal drug statute conviction or for any plea of guilty, no contest or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the City within five (5) days of such conviction, plea or imposition.

19.11 Arrest or Conviction for Alcohol-Related Crime

If an employee is arrested or convicted of an alcohol-related crime, the City may investigate the circumstances and City officials may require an alcohol test.

As a condition of employment, an employee shall notify his or her department/division head of any criminal alcohol statute conviction or for any plea of guilty, no contest or suspended imposition of sentence that has been entered on a criminal alcohol statute charge. The employee must give notice in writing to the City within five (5) days of such conviction, plea or imposition.

19.12 Duty to Report

Every employee has a duty to report known or suspected violations of the City's drug and alcohol policies. Known or suspected violations should be reported to the supervisor, department/division head or the Human Resources Division.

19.13 Disciplinary Action

Any violation of the City's Drug and Alcohol-Free Workplace policy, including a verified positive drug or confirmed alcohol test, will result in disciplinary action up, to and including termination.

19.14 Voluntary Assistance

Employees who think they have a problem with drug and/or alcohol abuse may voluntarily request assistance from the City by contacting the Human Resources Division. The City will attempt to assist the employee by referral to an Employee Assistance Program (EAP).

The expense of treatment will be paid by the employee's insurance or the employee. Conscientious efforts to seek such help will not jeopardize the employee's job and will not, if requested by the employee, be noted in the employee's personnel file. However, the employee's continued employment with the City will depend upon successful rehabilitation from drug and/or alcohol abuse and continued satisfactory performance on the job.

19.15 Cannabidiol (CBD)

Cannabidiol (CBD) is a chemical in the Cannabis sativa plant, also known as marijuana or hemp. Recently, CBD products have come to our attention as an employer. These over-the-counter products are often used to relieve pain and alleviate stress and anxiety. The products come in a variety of forms and can be ingested, smoked or used topically. CBD products are derivatives of the cannabis plant.

Although CBD products do not produce a high, such as other forms of cannabis, the chemical THC (Tetrahydrocannabinol) is still found in CBD products. Drug testing methods cannot differentiate between the THC in CBD products and other cannabis products. The presence of THC in the CBD products will most likely cause a positive drug test result.

It's critical for you to be aware that should you test positive for THC you will be in violation of the City's Drug and Alcohol Free Workplace policy regardless of the source; so, it is very important to be aware of what you ingest, smoke or apply topically.

We value all employees and want to make sure you understand the potential consequences of the use of any type of drug(s) including CBD products.

Chapter 20 - Motor Vehicle Operation

20.1 City Owned Vehicles

City Owned Vehicles are to be used for official City business only. The driver of a City vehicle is responsible for the vehicle while it is in his or her charge and must not permit unauthorized persons to drive the City Owned Vehicle. Employees who operate any vehicle or equipment on City business must have a valid, current driver's license of the type required by state statute for the operation of such vehicle or equipment. In addition, employees operating any vehicle on City business must be covered by the City's vehicle insurance policy (not be excluded due to his or her driving record).

Drivers of City vehicles are to report all infractions or violations while driving a City vehicle to their supervisor and department/division head immediately.

The driver is responsible for the daily housekeeping of the vehicle; it is to remain clean and uncluttered.

20.2 Use of Private Vehicles

Use of private vehicles for City business must be authorized by the appropriate department/division head. The City will reimburse for the use of a private vehicle on City business, outside the city limits, at the most current rate established by Internal Revenue Service (IRS) for business mileage reimbursement.

20.3 Driver's License and Driving Record

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license and acceptable driving record. It is the employee's responsibility to provide a copy of his or her current driver's license to the employer. The City may run a motor vehicle record check to determine an employee's driving record at any time.

20.3.a. Failure to Maintain a Valid Driver's License

An employee whose Job Description requires the possession and maintenance of a valid, driver's license and/or any required special driving certification in order to perform the essential functions of the job, and who subsequently has his or her license revoked, rescinded, suspended or the renewal denied, may be terminated from employment for failure to maintain the necessary qualification(s) required for the position.

20.4 Moving Violations, Accidents and Hazardous Drivers

Any changes in an employee's driving record, including but not limited to, driving infractions must be reported to the supervisor and department/division head immediately.

The City Manager shall have the authority to remove driving privileges from employees who have a poor driving history, hazardous pattern of motor vehicle violations or accidents or disregard for motor vehicle laws.

20.5 Fitness to Drive

The City reserves the right to require any employee who operates a vehicle on City business to be examined by a qualified physician, selected and paid for by the City, if there is reason to be concerned that the employee's health may be impairing his or her ability to safely operate a vehicle.

Any employee who is taking prescription medications that may impair his or her ability to safely operate a motor vehicle must report this to their department/division head. The department/division head may ask for a doctor's note to determine fitness to operate a motor vehicle.

No person shall operate a motor vehicle while under the influence of alcohol or any other substance that can impair judgment.

20.6 Seatbelt Use

Drivers and passengers of City Owned Vehicles, and personal vehicles being used for work purposes. are required to have seatbelts on and fastened whenever the vehicle is in motion.

20.7 Motor Vehicle Accidents

If an employee is involved in an accident that results in personal injury or property damage while operating a City-owned vehicle or a privately owned vehicle on City business, the following steps should be taken:

1. Call 911 in the case of injuries;
2. Notify the Arkansas City Police Department immediately (all public and private property accidents);
3. Ask that all parties, property and concerned persons remain at the scene of the accident until police officers investigate;
4. Report the accident, no matter how small, to the supervisor and department/division head immediately;
5. Do not discuss the accident with anyone at the scene of the accident except the investigating officer; and,
6. Involvement in a motor vehicle accident may trigger drug and/or alcohol testing.

20.8 Commercial Driver's License (CDL)

20.8.a. CDL Required for Operation of Certain Heavy Equipment

According to federal and state law, some equipment requires an operating license other than a Class "C" Driver's License. If an employee is hired without the appropriate licensing for the position, he or she must obtain the appropriate licensing as soon as possible following his or her date of hire or as soon as the department/division head is able to accommodate the appropriate testing. Failure to obtain and maintain necessary licensing may lead to disciplinary action, up to and including termination of employment.

City employees required to have a Commercial Driver's License (CDL) must report all convictions for violations of motor vehicle traffic laws and ordinances, other than parking violations, to the department/division head immediately.

20.8.b. Cost of CDL Licensing

When attempting the two (2) required CDL licensing tests ((1) written and (2) walk-around/driving) the City will reimburse the employee for the cost of (1) the first attempt (pass or fail) and (2) the final successful attempt at testing. All employees who's Job Description requires a Commercial Driver's License will be reimbursed for their renewed driver's license as long as CDL licensing is a requirement of their current position.

20.8.c. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Program

The Department of Transportation (DOT) and the Federal Motor Carriers Safety Administration (FMCSA) require the City to establish a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

All City employees who are required to perform their duties for the City through the use of Commercial Driver's Licenses (CDL) are required to submit to random testing for the use of drugs and/or alcohol while on duty. In addition, the driver of any piece of equipment requiring a CDL that is involved in any accident may be tested for drugs and/or alcohol.

An in-depth DOT/FMCSA Drug and Alcohol Testing Policy for CDL holders, separate from this policy, will be provided to all City employees who are required to perform their duties for the City through the use of a Commercial Driver's License (CDL).

Please note that these particular employees are subject to the DOT/FMCSA Drug and Alcohol Testing Policy in addition to the City's Drug and Alcohol-Free Workplace policy.

Chapter 21 - Workplace Violence

Acts or threats of physical violence—including intimidation, harassment, coercion or any other conduct involving threatening or violent behavior—that involve or affect the City, or which occur on any City premises, will not be tolerated.

Acts, threats or any conduct involving violence include conduct that is sufficiently severe, offensive or intimidating to alter the employment conditions at the City or to create a hostile, abusive or intimidating work environment for one (1) or more employee(s).

The City prohibits threats and acts of violence against all persons involved in the City’s operation, including, but not limited to, employees, contractors, temporary workers, customers/citizens and anyone else on any/all City property.

21.1 Concerns of Violence

All concerns of workplace violence must be reported immediately to a supervisor and department/division head unless the alleged violator involves anyone superior in the employee’s Chain of Command. In such cases, the employee may report their concerns to the Human Resources Division or the City Manager.

21.2 Incidents of Violence

All incidents of workplace violence that present a potential threat to citizens, customers or employees must be reported immediately to a law enforcement agency by calling 911 and reporting to a supervisor and the department/division head unless the alleged violator involves anyone superior in the employee’s Chain of Command. In such cases, the employee may report it to the Human Resources Division or the City Manager.

21.3 Weapons in the Workplace

21.3.a. Concealed Carry Handguns

Employees of the City of Arkansas City have a right to carry a concealed handgun. Except for Police Officers and Fire Investigators, the carrying of a concealed handgun is not within the course and scope of the employee’s employment with the City.

Employees that carry a concealed handgun are subject to the following:

1. Any injury while working that is caused by the employee choosing to carry a concealed handgun will not be considered for Workers’ Compensation coverage and/or benefits;
2. Any liability associated with the employee’s decision to conceal carry will not be defended by the City and will be of a personal nature—except for Police Officers and Fire Investigators—the carrying of a concealed handgun is not part of the employee’s duties;
3. Employees are prohibited from leaving a handgun in plain view or unattended; instead, the employee shall have control of the concealed handgun at all times;

4. Employees should abide by all laws related to conceal carry, such as not entering any building, private or public, which prohibits conceal carry;
5. Firearms may not be stored in a City-owned vehicle; and,
6. The election of an employee to conceal carry may not interfere with the employee's ability to perform any duties and may not obstruct any required safety equipment.

21.3.b. All Other Weapons

Weapons (excluding concealed carry handguns) include any device that is designed to or traditionally used to inflict harm or any device that could be reasonably construed as a weapon. This includes, but is not limited to, open carry firearms, bludgeons, slingshots, explosives, knives in excess of four (4) inches long and any chemical whose purpose is to cause harm to another person.

Employees, except Police Officers (who may use/possess OC spray, Tasers and knives), may not at any time, while performing any job duties or while representing the City of Arkansas City, possess or use any weapons—excluding concealed carry handguns—except as specifically authorized by the City Manager.

Employees who violate this policy will be subject to disciplinary action up to and including termination.

Chapter 22 - Safety

22.1 Safety Culture

The City takes the health and safety of its employees very seriously. It is the goal of the City to provide a safe workplace, safe equipment, adequate training and to establish and insist upon safe methods and work practices at all times.

All employees are expected to follow all safety rules and perform their duties in a safe and responsible manner. Employees should exercise good judgment and take appropriate precautions in the performance of their work. Employees are responsible for complying with prescribed safety directives.

22.2 Reporting Safety Issues

It is the responsibility of each employee to accept and follow established safety regulations and procedures. Please follow all of these rules:

1. Report all safety concerns to a supervisor immediately;
2. Report anything that needs repairing or replacing to a supervisor immediately;
3. If you are ever in doubt about how to safely perform a job, or feel a task may be dangerous; please contact a supervisor before attempting to perform any aspects of the job or task; and,
4. Immediately report all accidents and/or injuries to a supervisor.

22.3 Reporting Injuries

Immediately report all injuries, no matter how slight, to a supervisor.

22.4 Safety Suggestions

We strongly encourage employee participation and input on health and safety matters. You may report potential hazards and make suggestions about safety without fear of retaliation. We appreciate, encourage and expect this type of involvement.

22.5 Fire Prevention

Know the location of the fire extinguisher(s) in your area and make sure they are kept clear at all times. Notify your supervisor if an extinguisher is used or if the seal is broken. Keep in mind that extinguishers that are rated ABC can be used for paper, wood or electrical fires. Make sure all flammable liquids, such as alcohol, are stored in approved and appropriately labeled safety cans and are not exposed to any potential ignition source.

22.5.a. Fire Extinguishers

- Know where fire extinguishers are and how to use them.

22.5.b. In Case of Fire

If you are aware of a fire, you should:

1. Dial 911 or the local Fire/EMS Department;
2. Evacuate all employees from the area;
3. If possible, immediately contact your supervisor;
4. If the fire is small and contained, locate the nearest fire extinguisher. (This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.); and,
5. If the fire is out of control, leave the area immediately. No attempt should be made to fight the fire.

22.5.c. Emergency Evacuation

When the Fire/EMS Department arrives direct the crew to the fire. Do not re-enter the building until directed to do so by the Fire/EMS Department.

If you are advised to evacuate the building, you should:

1. Stop all work immediately;
2. Contact outside emergency response agencies, if needed;
3. Shut off all electrical equipment and machines, if possible;
4. Walk to the nearest exit including emergency exit doors;
5. Exit quickly but do not run. Do not stop for personal belongings;
6. Proceed, in an orderly fashion, to a parking lot near the building; and,
7. Be present and accounted for during roll call.

22.6 Security

Maintaining the security of City buildings is every employee's responsibility. Develop habits that ensure security as a matter of course.

When you leave City premises make sure all entrances are properly locked and secured.

Chapter 23 - Standards of Conduct

23.1 Overall Standards of Conduct

Whenever people gather together to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively and harmoniously. By accepting employment with us, you have a responsibility to the City of Arkansas City, and to your fellow employees, to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain you understand what conduct is expected and necessary. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, our organization will be a better place to work for everyone.

23.2 Unacceptable Activities

Generally speaking, we expect each person to act in a mature and responsible way at all times. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed below, please see your supervisor for an explanation.

Note that the following list of Unacceptable Activities does not include all types of conduct that can result in disciplinary action, up to and including termination.

Nothing in this list alters the At-Will nature of your employment; either you or the City of Arkansas City may terminate the employment relationship with or without reason, and in the absence of any violation of these rules:

1. Violation of any City rule; any action that is detrimental to the City of Arkansas City's efforts to operate effectively.
2. Violation of security or safety rules or failure to observe safety rules or the City of Arkansas City's safety practices.
3. Negligence or any careless action which endangers the life or safety of another person.
4. Being intoxicated or under the influence of a controlled substance while at work; use, possession or sale of a controlled substance in any quantity while on or off City premises while at work, except medications prescribed by a physician which do not impair work performance.
5. Unauthorized possession of dangerous or illegal firearms, weapons or explosives on or off City property while on duty.
6. Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on or off City premises while on duty or when representing the City of Arkansas City; fighting or provoking a fight on or off City property while on duty or negligent damage of property.
7. Insubordination or refusing to obey instructions properly issued by your supervisor pertaining to your work; refusal to help out on a special assignment.
8. Threatening, intimidating or coercing fellow employees on or off the premises at any time, for any purpose.
9. Engaging in any act of sabotage; negligently causing the destruction or damage of City property, or the property of fellow employees, customers, suppliers or visitors in any manner.

10. Theft or unauthorized possession of City property or the property of fellow employees; unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; using City equipment for profit.
11. Dishonesty; falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by the City; alteration of City records or other City documents.
12. Giving confidential or proprietary City or customer/citizen information to others; breach of confidentiality of personnel information.
13. Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same.
14. Immoral conduct or indecency on or off City property.
15. Conducting a lottery or gambling on or off City premises while on duty.
16. Unsatisfactory or careless work; failure to meet production or quality standards as explained to you by your supervisor.
17. Any act of Harassment, sexual, racial or any other; telling sexist or racist jokes; making racial or ethnic slurs.
18. Leaving work before the end of a Regularly Scheduled Work Shift or not being ready to work at the start of a Regularly Scheduled Work Shift without approval of your supervisor; stopping work before time specified for such purposes.
19. Sleeping or loitering during working hours.
20. Excessive use of City telephone for personal calls.
21. Smoking in restricted areas or at non-designated times.
22. Creating or contributing to unsanitary conditions.
23. Posting, removing or altering notices on any bulletin board on City property without the permission of the City Manager.
24. Failure to report an absence or late arrival; excessive absence or lateness.
25. Obscene or abusive language toward any supervisor, employee or customer/citizen; indifference or rudeness towards a customer/citizen or fellow employee; any disorderly/antagonistic conduct on or off City premises.
26. Failure to immediately report damage to, or an accident involving, City equipment.
27. Failure to use your timesheet; alteration of your own timesheet or records or attendance documents; punching or altering another employee's timesheet or records or causing someone to alter your timesheet.

23.3 Corrective Action Tools

The City's Corrective Action Tools policy and procedures are designed to provide clear corrective action guidelines to improve and prevent a recurrence of undesirable employee behavior and performance issues.

The City of Arkansas City reserves the right to combine or skip particular Corrective Action Tools depending on the facts of each situation and the nature of the issue. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

Outlined below are the steps of the City's Corrective Action policy and procedures.

Verbal Warning: A Verbal Warning is a Corrective Action Tool designed to provide an opportunity for an employee to be made aware of undesirable incidents, poor performance, conduct and/or attendance issue(s) and requires him or her to make the necessary improvement(s).

Written Warning: A Written Warning is a Corrective Action Tool designed to bring serious focus on undesirable incidents, poor performance, conduct and/or attendance as well as any prior relevant corrective action(s) taken.

Performance Improvement Plan: A Performance Improvement Plan is a written notification to an employee that he or she is required to fulfill a set of conditions, or improve performance, conduct and/or attendance or any other aspect of their behavior within a specified length of time.

Suspension with Pay: Suspension with Pay is the removal of an employee from service with pay for a specified length of time. This Corrective Action Tool may be used while conducting an investigation of policy violation or other serious matter in addition to other situations.

Suspension without Pay: Suspension without Pay is the removal of an employee from service without pay for a specified length of time. This Corrective Action Tool may be used for serious problems with an employee's performance, conduct and/or attendance.

Salary Reduction: A Salary Reduction is the lowering of an employee's rate of compensation due to performance problems and/or policy violations among other issues.

Demotion: A Demotion is the placement of an employee into a position of a lower pay range due to performance problems and/or policy violations among other issues.

Termination: Termination is the removal of an employee from the City's employment.

Please note: The employer shall not be required to start at any particular point in the above listed Corrective Action Tools listing. The frequency, nature and severity of the situation shall determine if a more severe step of discipline, including termination, is appropriate.

Chapter 24 - Technology

24.1 Computers, Electronic Mail or Voicemail Usage

City property, including computers, electronic mail and voicemail should only be used for conducting City business. Incidental and occasional personal use of City computers and our voicemail and electronic mail systems is permitted, but information and messages stored in these systems will be treated no differently from other business-related information and messages.

Personal use of city electronic property is at the discretion of the department/division head. The department/division head will determine what types of use will be acceptable in the particular department/division. Please ask your department/division head before downloading any programs, entering chat rooms or participating in online gaming. Note this list is not all-inclusive as technology continually evolves. Please check with your department/division head if you have any questions or concerns.

The use of the electronic mail system may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations. Furthermore, the electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address someone's race, religion, color, sex, disability, national origin, ancestry, pregnancy, age (40+), military status, veteran status, genetic information or any other characteristic(s) protected by applicable federal, state or local laws.

In addition, the electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization.

Although the City of Arkansas City provides certain codes to restrict access to computers, voicemail and electronic mail to protect these systems against external parties or entities obtaining unauthorized access, employees should understand that these systems are intended for business use, and all computer information, voicemail and electronic mail messages are to be considered City records.

24.2 Employer's Right to Inspect Electronic Information/Communications

The City of Arkansas City also needs to be able to respond to proper requests resulting from legal proceedings that call for electronically stored evidence. Therefore, the City of Arkansas City must, and does, maintain the right and the ability to enter into any of these systems and to inspect and review any and all data recorded in those systems.

Because the City reserves the right to obtain access to all voicemail and electronic mail messages left on or transmitted over these systems, employees should not assume that such messages are private and confidential or that the City's designated representatives will not have a need to access and review this information.

Individuals using City business equipment should also have no expectation that any information stored on their computer - whether the information is contained on a computer hard drive, computer disks or in any other manner - will be private.

The City has the right to regularly monitor voicemail or electronic mail messages. The City will inspect the contents of computers, voicemail or electronic mail in the course of an investigation triggered by indications of unacceptable behavior or as necessary to locate needed information that is not more readily available by some other means.

24.3 Recording Conversations

An employee may not record telephone or other conversations the employee has with co-workers, managers, or third parties unless such recordings are approved in advance by the employee’s supervisor and fully comply with the law and any applicable City policy.

Chapter 25 - Social Media

25.1 Official City Social Media

City of Arkansas City departments may use Social Media tools such as Facebook, Twitter and YouTube to reach a broader audience. While the City's website (www.arkansascityks.gov) is the City's primary Internet presence, the City recognizes that, when used appropriately, Social Media may be useful in furthering the goals of the City and the missions of City departments/divisions.

All official City presences on Social Media websites or services are considered extensions of the City's information networks and are governed by the directives set forth in this and related policies and procedures and in other City policies regulating employee conduct.

25.2 Definitions

City Social Media Sites – Those pages, sections or posting locations on Social Media websites established or maintained by an employee of the City authorized to do so as part of the employee's job and that are used to communicate with the public on City business.

Social Media – Internet based technology communications tools with a focus on immediacy, interactivity, user participation and information sharing. These venues include social networking websites, forums, weblogs, online chat sites and video/photo posting websites or any other such similar output or format. Examples include Facebook, Instagram, Twitter and YouTube.

Social Media Administrators – City employees expressly designated to maintain oversight of the City and/or a department/division Social Media website. A Social Media Administrator's authority is limited to actions that directly reflect guidance from the City Manager, department/division head and/or policies and procedures of the City.

25.3 Permission to Post on Official City Social Media

Only Social Media Administrators (City employees who have received express permission from the department/division head and City Manager to post on Official City Social Media) may:

1. Speak on behalf of the City;
2. Administer and/or post on City Social Media websites;
3. Make any public statement on behalf of the City; and/or,
4. Post on any Social Media website on behalf of the City or otherwise state an official City position, policy or other fact on behalf of the City.

Social Media Administrators, or employees representing the City of Arkansas City on City Social Media within the scope of their employment, will conduct themselves at all times as a professional representative of the City of Arkansas City and in accordance with all City policies.

Those policies include compliance with all ethical obligations and non-harassment policies. Social Media Administrators will not express personal views or concerns through such postings; postings shall only reflect the views of the City of Arkansas City.

25.4 Prohibited Postings

Postings on City of Arkansas City Social Media shall not contain any of the following:

1. Content that promotes, fosters or perpetuates discrimination on the basis of race, religion, color, sex, disability, national origin, ancestry, pregnancy, age (40+), military status, veteran status, genetic information or any other characteristic(s) protected by applicable federal, state or local laws;
2. Profane language or content;
3. Sexual content or links to sexual content;
4. Comments in support of, or opposition to, political campaigns or candidates;
5. Solicitations of commerce unrelated to City of Arkansas City business;
6. Conduct or encouragement of illegal activity;
7. Information that may tend to compromise the safety or security of the public or public systems; and/or,
8. Content that violates a legal ownership interest of any other person, or otherwise violates any applicable law.

25.5 Employee Social Media and Free Speech

25.5.a. Off-Duty Use of Social Media

You may maintain personal websites or web blogs on your own time using your own technology. You must ensure that Social Media activity does not interfere with your work. In general, the City considers Social Media activities to be personal endeavors and you may use them to express your thoughts or promote your ideas as long as they do not conflict with City policies or services.

Outside of work hours, all public statements and use of Social Media by an employee as a private citizen shall comply with applicable law and this policy.

25.5.a.1. Respect

Please demonstrate respect for the dignity of the City, its governing body, its customers/citizens, its vendors and its employees. A Social Media site is a public place and employees should avoid inappropriate comments. For example, do not use ethnic slurs, personal insults, or obscenity or use language that may be considered inflammatory.

25.5.a.2. Post Disclaimers

If you identify yourself as a City of Arkansas City employee or discuss matters related to the City on a Social Media site, the site must include a disclaimer on the front page stating that it does not express the views of the City and that you are expressing only your personal views. For example: "The views expressed on this website/blog are mine alone and do not necessarily reflect the views of my employer."

Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the City, the governing body, customers/citizens and/or City employees. You must keep in mind that when you post information on a Social Media site that is in violation of City policy and/or federal, state or local law, the disclaimer will not shield you from disciplinary action.

25.5.a.3. Confidentiality

Do not identify or reference City customers/citizens, vendors or employees without express permission. You may write about your job in general but may not disclose any confidential information.

25.6 Important Things to Know about Personal Social Media and City Employment

City resources, work time, Social Media websites and a City employee's official position may not be used for personal profit or business interests or to participate in political activity.

Personal or business venture Social Media account names may not be tied to the City. For example, "CityofArkCityAttorney" would not be an appropriate personal account name.

Employees will not use their City email account or password in conjunction with a personal social networking website.

City employees shall not post images, files or text depicting City property, equipment or personnel in any manner that would adversely affect the reputation of the City or a City department.

Employees always should remember that what is written becomes public, may be public for a long time and may spread to large audiences. Employees will refrain from posting information that they would not want their supervisor or other employees to read, or that they would be embarrassed to see in the newspaper, on television or in other forms of media.

Employees will take reasonable and prompt action to remove any content, including content posted by others that is in violation of this policy from any website page, Social Media website or website maintained by the employee (e.g., social or personal website).

25.4 Prohibited Employee Conduct/Use of Social Media

The following speech, expression or Social Media posts made by an employee, whether in person, electronically or otherwise (hereafter collectively referred to as "speech") are prohibited:

1. Speech that violates any applicable law;
2. Speech that negatively affects the safety of any other City employee and that is not information readily accessible within the public realm; and/or
3. Speech that discloses any information, obtained through their employment, that is not already considered public information, such as confidential information maintained by the City including utility records, dates of birth, social security numbers or criminal history.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. For example, this policy does not limit an employee from speaking as a private citizen about matters of public concern, discussing the terms or conditions of their employment or unfair labor practices or otherwise exercising their rights to collective bargaining. Employees are encouraged to consult with the Human Resources Division regarding any questions arising from the application or potential application of this policy.

Chapter 26 - Cellular Phone Use

The use of Cellular Phones, while on duty, for personal phone calls and texting, is to be limited. Indiscriminate or excessive personal calls, texting and/or other personal uses could be cause for disciplinary action.

Please follow these guidelines when using your Cellular Phone:

1. Cellular Phones should be set to vibrate or “silent ringer mode” during meetings or at other times when audible ringers may be disruptive.
2. Employees should allow in-coming calls to “go to” their voicemail when answering the call would be disruptive to a meeting and/or would create a safety hazard.
3. All state traffic laws regarding Cellular Phones must be followed.
4. Using a Cellular Phone while operating motorized equipment or power tools is prohibited.
5. Using a Cellular Phone while operating a motorized vehicle is prohibited, with the following exceptions:
 - a. Proper use of a hands-free device;
 - b. Use by emergency personnel as authorized and directed as part of their official City duties; and/or,
 - c. Use to contact law enforcement, a health care provider, the Fire/EMS Department or another emergency entity in an emergency situation.

Chapter 27 - Separation from City Employment

27.1 Notice of Intent to Separate

If you wish to resign or retire from your position with the City, we would like you to provide written notification to your supervisor at least two-weeks before leaving.

Your notification of intent to resign or retire should be in writing and provided to your department/division head. It is important that you provide this notification of intent to resign or retire as soon as possible as this written document will have bearing on whether, or not, you will receive accumulated leave payout. It also provides the City with the opportunity to begin making arrangements to fill the position you are leaving.

27.2 Notice Period

Your Notice Period begins on the day the written two-week Notice of Intent to Separate is received by your department/division head and ends two (2) calendar weeks later

It is the City's expectation that you, unless otherwise determined by the department/division head, will report and perform the duties of the job on each Regularly Scheduled Work Shift during the entire two-week Notice Period. Any scheduled and/or unscheduled absences during your Notice Period may jeopardize your accumulated leave payout.

It will be up to the City Manager and the department/division head to decide if they want to allow you to continue working after your notice has been given. The City Manager can instead choose to accept your resignation effective immediately.

Please note any employee who has submitted their application for retirement to KPERs may take accrued, paid leave (except Sick Leave) at any point during their Notice Period with the approval of the department/division head. The soon-to-be retiree's absence(s) from the workplace, during their Notice Period, will not jeopardize their accumulated leave payout.

An employee who gives written Notice of Intent to Separate and fails to report back to work to fulfill the Notice Period, if the absence is unauthorized and/or unexcused, shall be considered to have abandoned his or her position and shall not receive any type of payout of leave benefits.

27.3 Compensatory Time and Holiday Time Banked upon Separation

All employees separating from City employment, for any reason, shall receive payment for all accumulated Compensatory Time, Holiday Time Banked and Wellness Day Leave, up to the specified maximum.

27.4 Other Types of Leave upon Separation

All employees separating from City employment that have given and satisfactorily completed an appropriate Notice Period shall receive payment for all accumulated accrued and unused Vacation Leave, Personal Business Day Leave and Safety Day Leave, depending upon the employee's length of service with the City, a percentage of his or her accrued, unused Sick Leave.

Note: See the section of this Employee Manual titled "Leave" for more information.

Employees separating from City employment who have abandoned their position, were terminated involuntarily, failed to provide an acceptable Notice of Intent to Separate and/or did not successfully fulfil their Notice Period will not receive payment for accumulated accrued and unused Vacation Leave, Personal Business Day Leave, Safety Day Leave, Sick Leave and/or any other type of Paid leave, except Compensatory Time, Holiday Time Banked and Wellness Day Leave.

27.5 Final Payroll Check

Upon Separation from employment, you will be paid on the next regularly scheduled Pay Date for time worked.

Any type of leave payouts will be paid as a separate payment at the same time as your Final Payroll Check. Please be aware federal and state withholding requirements will be followed for all types of payouts.

The Final Payroll Check will be mailed to you unless other arrangements have been made with the Finance Division.

27.6 Benefits upon Separation

The separating employee's Health and Dental Insurance will continue through the last day of the calendar month in which he or she terminates. To determine eligibility for further health and dental continuation coverage at the employee's cost, please contact the Human Resources Division. Other benefits shall end as per the Plan Document(s).

Note: See the section of this Employee Manual titled "Benefits" for further information on the cessation of your benefits.

27.7 Return of City Property

Any employee who leaves City employment is responsible for immediately returning City property to the supervisor or department/division head.

27.8 Exit Interview

Employees leaving City employment will be asked to participate in an Exit Interview at the invitation of the Human Resources Division. This interview will be provided near the end of the employee's employment, generally on his or her last day of employment.

The intent of the Exit Interview is to advise the employee of matters such as final pay, potential leave payout, as well as Health and Dental Insurance(s) coverage options under COBRA, if applicable; to determine the exact reason for the termination, in cases of voluntary terminations; and to identify potential problems with and/or strengths of the City's supervisors and/or policies and procedures.

The Exit Interview form shall be placed in a file separate from the employee's Personnel Record. Information may be shared with the department/division head, City Manager and/or the governing body, in order that proper information is communicated and/or appropriate action taken.

27.9 Employment References on Former Employees

It is the policy of the City of Arkansas City that when a reference (on a former employee) is sought by a prospective employer the reference is provided by the Human Resources Division. The standard response provided will comply with Kansas statute.

As an employee of the City, please do not under any circumstances respond to any requests for information regarding another employee unless it is part of your assigned job responsibilities. If it is not, please forward the information request to your supervisor and the Human Resources Division.

City of Arkansas City Employee Manual Receipt and Acknowledgment

Please read the following statements, sign below and return to your supervisor.

Employee Manual:

I have received and read a copy of the City of Arkansas City Employee Manual. I understand that the policies and benefits described in it are subject to change at the sole discretion of the City of Arkansas City at any time.

At-Will Employment:

I understand that my employment is At-Will, and neither I, nor the City of Arkansas City, have/has entered into a contract regarding the duration of my employment. I am free to leave my employment with the City of Arkansas City at any time, with or without reason. Likewise, the City of Arkansas City has the right to end my employment, or otherwise discipline, transfer, or demote me at any time, with or without reason, at the discretion of the City of Arkansas City. No employee of the City of Arkansas City can enter into an employment contract for a specified period of time or make any agreement contrary to this policy without the written approval from the City Commission.

Confidential Information:

I am aware that during the course of my employment confidential information may be made available to me. I understand that this information is proprietary and critical to the success of the City of Arkansas City and must not be given out or used outside of the City's premises or with non-City of Arkansas City employees. In the event of termination of my employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information in any way.

Compensatory Time:

In accordance with the provisions of the Fair Labor Standards Act (FLSA) and the City of Arkansas City Compensatory Time policy, Non-Exempt employees are allowed, with the approval of their supervisor, to accrue Compensatory Time off instead of receiving payment for Overtime hours worked. If I am classified as a Non-Exempt, eligible employee, by signing this agreement, I agree to the following terms: I freely and voluntarily agree to accept Compensatory Time off in lieu of Overtime Pay for Overtime hours worked under the FLSA. I understand that I will accrue Compensatory Time at the rate of one-and-one-half (1½) hours for each Overtime hour worked during a Work Week/Work Period. I understand that this Compensatory Time used will not be counted as time worked for purposes of computing Overtime or additional Compensatory Time.

Employee's Printed Name: _____

Employee's Signature: _____

Date: _____



City Commission Agenda Item

Meeting Date: February 1, 2022
From: Larry Schwartz, City Attorney
Item: Residency requirements for appointed officers.

Purpose: Consider first reading of a Charter Ordinance exempting the City of Arkansas City, Kansas from provisions of K.S.A. 14-1502 as it relates to the residency requirement for appointed officers.
(Roll Call Vote)

Background:

K.S.A. 14-1501 establishes appointed officers for Cities of the 2nd class with the Commission/Manager form of government as a city attorney, a city clerk, a city treasurer, a municipal judge of the municipal court, a city marshal, a fire chief, and such other officers, assistants and employees as deemed necessary for the best interest of the city.

The purpose of exemption is to eliminate undue restrictions to the current employee base, as well as the future applicant pool. Further, the City utilizes response times, managed at the position level, eliminating the need for a residency requirement.

Commission Options:

- 1. Approve the Charter Ordinance on first reading
- 2. Table the Charter Ordinance for a second reading

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager

CHARTER ORDINANCE NO. 36

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARKANSAS CITY, KANSAS FROM PROVISIONS OF K.S.A. 14-1502 AS IT RELATES TO THE RESIDENCY REQUIREMENT FOR APPOINTED OFFICERS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”) provides that cities may exercise certain home rule powers, including adopting charter ordinances that exempt cities from enactments of the Kansas Legislature; and

WHEREAS, the City of Arkansas City, Kansas (the “City”) is a city of the second class, as defined in the Act, duly created and organized under the laws of the State of Kansas (the “State”); and

WHEREAS, K.S.A. 14-1502, is part of an enactment of the Kansas Legislature relating to residency requirements for appointed officers, the enactment of which is applicable to the City of Arkansas City, Kansas, but is not uniformly applicable to all cities within the State; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, desires, by charter ordinance, to exempt appointed officers from the residency requirements.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS, KANSAS, AS FOLLOWS:

SECTION ONE. The City of Arkansas City, Kansas, A City of the Second Class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-1502 as it relates to the requirement that appointed officers shall be a bona fide resident of the city or of the territory within a two (2) miles radius of such city prior to his or her appointment.

SECTION TWO. The City may appoint nonresidents, including nonresidents of this state, as city clerk, city attorney, city treasurer, municipal judge, police chief, fire chief, law enforcement officers, any other officer deemed necessary, including the appointment of nonresidents who also serve as city attorney, municipal judge or law enforcement officers of another municipality or public agency.

SECTION THREE. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted in the last preceding regular City election shall be filed in the office of the City Clerk, demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose. Once it becomes effective, a certified copy of this Charter Ordinance shall be sent to the Kansas Secretary of State.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, by not less than two-thirds of the members-elect of the Governing Body on this ____ day of _____, 2022, and signed by the Mayor.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

Section , Item 1.

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Charter Ordinance was passed on _____; that the record of the final vote of passage is found in the official Minutes of that meeting; and that it was published in the **Cowley CourierTraveler** on _____ and on _____.

DATED: _____.

Lesley Shook, City Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

2020 Kansas Statutes

14-1502. Persons not eligible to office. No person shall be eligible to any appointive office unless he or she shall be a bona fide resident of the city or of the territory within a two (2) mile radius of such city prior to his or her appointment, except that the city may hire nonresident expert employees or appoint nonresidents as a municipal judge or as law enforcement officers when deemed necessary by the board of commissioners, including the appointment of nonresidents who also serve as municipal judge or law enforcement officers of another municipality or public agency: Provided, That nothing herein shall authorize the appointment of nonresidents of this state.

History: L. 1909, ch. 82, § 23; R.S. 1923, § 14-1502; L. 1961, ch. 107, § 1; L. 1967, ch. 90, § 9; July 1.



City Commission Agenda Item

Meeting Date: 2/1/22
From: Josh White, Principal Planner
Item: Lincoln School Rezone

Purpose: Consider an ordinance authorizing the rezoning of 600 S B Street, from P (Public Use District) to C-1 (Office and Service Business District). (Roll Call Vote)

Background:

USD 470 has requested 600 S B Street be rezoned. The surrounding area is comprised of commercial and residential uses. A vacant commercial site is northwest of the site. Residential is found to the north, south, west and east. The property consists of approximately 0.9 acres and is 300'X131'. The project will be to develop a medical clinic. The applicants are requesting a rezone from P, Public Use District to a C-1, Office and Service Business District. A sale of the property to the Community Health Center in Cowley County is contingent upon approval of this request. The Planning Commission held a public hearing on Tuesday, January 11, 2022 and voted 8-1 to recommend that the City Commissioners approve the request.

Commission Options:

1. Approve ordinance on the first reading
2. Table and approve on second reading
3. Dissapprove ordinance with 2/3 majority
4. Table and send back to Planning Commission for further consideration

Fiscal Impact:

Amount: Cost of publication

Fund:	Department:	Expense Code:
_____ Included in Budget	_____ Grant	_____ Other (explain)
_____ Bonds		

Attachments:

Staff report, area map, future land use map, zoning map

Approved for Agenda by:



Randy Frazer, City Manager

(First Published in the Cowley CourierTraveler, _____2022)

ORDINANCE NO. 2022-02-

AN ORDINANCE AUTHORIZING THE RE-ZONING OF 600 SOUTH B STREET, FROM “P” (PUBLIC USE DISTRICT) TO “C-1” (OFFICE AND SERVICE BUSINESS DISTRICT).

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-756 and K.S.A. § 12-757, has considered the proposed request to re-zone property, and recommended the City grant the Petition to re-zone; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the re-zoning of the property at issue.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The property legally described as:

Lots 1-6, Block 171 M. R. Leonard’s Addition, Arkansas City, Cowley County, Kansas.

IS HEREBY RE-ZONED from a P (Public Use District) to a C-1 (Office and Service Business District).

SECTION TWO: This ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

SECTION THREE: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this ___ day of February, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, Clerk

APPROVED AS TO FORM

Larry Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-__-____ of the City of Arkansas City, Kansas adopted by the governing body on _____, 2022 as the same appears of record in my office.

DATED: _____.

Lesley Shook, Clerk



STAFF REPORT

City of Arkansas City Neighborhood Services Division
 Josh White, Principal Planner
 118 W Central Ave, Arkansas City, KS 67005

Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER
 RZ-2021-109

APPLICANT/PROPERTY OWNER
 USD 470

PUBLIC HEARING DATE
 January 11, 2022

PROPERTY ADDRESS/LOCATION
 600 S B Street

BRIEF SUMMARY OF REQUEST

The subject property is located at 600 S B Street. The surrounding area is comprised of commercial and residential uses. A vacant commercial site is northwest of the site. Residential is found to the north, south west and east. The property consists of approximately 0.9 acres and is 300'X131'. The project will be to develop a medical clinic. The applicants are requesting a rezone from P, Public Use District to a C-1, Office and Service Business District. A sale of the property to the Community Health Center in Cowley County is contingent upon approval of this request. Staff recommends approval of the rezone request.



Map data ©2021 Esri World Topographic map

EXISTING ZONING P-Public Use District	EXISTING LAND USE Vacant school building	SURROUNDING ZONING & LAND USE North-R-3; Residential East-R-3; Residential South-R-3; Residential West-R-3, C-2; Residential and Commercial	SITE IMPROVEMENTS School	SIZE OF PROPERTY 0.9 acres 300' X 131'
--	---	---	-----------------------------	--

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN
 The Future Land Use portion of the Comprehensive Plan designates the subject property as public use. The proposed use is commercial. Public use does allow for uses that are not public. When the plan was written, this facility still operated as a school district facility. This will also help to meet the goal from Chapter 7 to "Support efforts to improve access to health services" This clinic will aid low income residents in getting proper medical care and also provides a walkable solution to medical care for many citizens on the south side of town.

PROPERTY HISTORY
 The property was developed as a school originally about 1886. The current building was built in 1910 according to County records, however newspaper clippings show it as 1931 which seems more likely. Lincoln School was home to the district's Head Start and PALS early education programs until they were moved to the elementary schools in 2016. It has stood vacant since then. There were no other land use cases found.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of residential and commercial uses. It is the intent of the commercial zoning districts to provide for areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations.

Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;

The surrounding area is comprised of residential and commercial uses. It is the intent of the commercial zoning districts to provide for areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The surrounding area is comprised of residential and commercial uses. A vacant commercial site is northwest of the site. Residential is found to the north, south west and east. Commercial development in this area should not negatively affect the neighborhood as the use will be similar to what it was before when it was a school and it is generally accepted that the Madison Ave corridor is a mix of commercial and residential uses.

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The current Public Use Zoning District does not allow the proposed use. The proposed owner is not a publicly owned entity. The school district has been looking for a way to repurpose the building for a number of years.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

North of the site is residential. To the west is commercial and residential. The zoning of these areas is Residential and Commercial. The 2013 Comprehensive Plan designated this area as public use because the property was operated by the school district at the time of the plan. To the south is residential. The zoning to the south is R-3. The uses are residential. The surrounding area is comprised of residential and commercial uses. To the east is residential. The zoning to the east is R-3 which matches the use. The proposed use is a medical clinic which is compatible with the existing commercial uses and residential land in the area.

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

The proposed use of a medical clinic would be permitted under the C-1, Office and Service Business District. The area along Madison Ave is a mix of commercial and residential. The proposed use is very similar to the previous use of a school. The C-1 district does allow other small commercial uses and due to the restricted list of uses, any other uses should remain compatible with the area.

6. The suitability of the applicants property for the uses to which it has been restricted;

The property is currently zoned for public use; the property has a former school building on it. The proposed use is not a public use but is still a commercial use. Non-public uses are not permitted in the P district. The 2013 Comprehensive Plan called for this area to be public use because it was being used as a school facility at that time.

7. The length of time the subject property has remained vacant or undeveloped as zoned;

The building was decommissioned by the school district in 2016 and has remained vacant ever since.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

As there is already a building present on the site, all sewer, water and other utilities are already present at the site. Police and Fire should be able to serve the building without any changes to services.

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;

There is other land that could be used for such a use but very little of it is C-1. This proposed use is also very specialized and its siting is a very important consideration. Such a facility could be also be sited near the Ark City Clinic or South Central Kansas Medical Center but some of their services would duplicate what is already available at those facilities. There are also no medical facilities south of Vine Avenue.

10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;

The Future Land Use portion of the Comprehensive Plan designates the subject property as public use. The proposed use is commercial. Public use does allow for uses that are not public. When the plan was written, this facility still operated as a school district facility. This will also help to meet the goal from Chapter 7 to "Support efforts to improve access to health services" This clinic will aid low income residents in getting proper medical care and also provides a walkable solution to medical care for many citizens on the south side of town.

11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,

The public health, safety and general welfare should not be negatively impacted by this rezoning. In fact, it will likely improve public health for this area and for the city at-large.

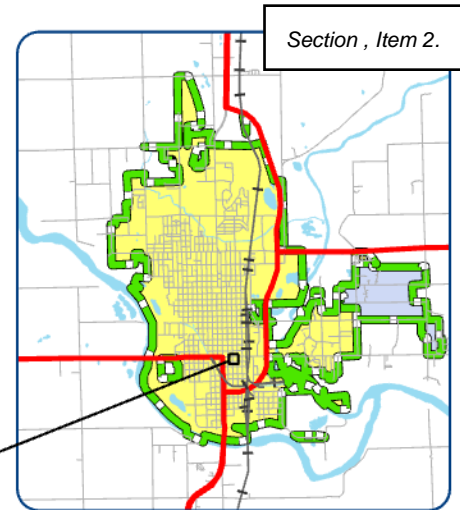
12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application

13. The recommendations of professional staff;

It is the recommendation of staff that the requested rezoning P to C-1 be approved based on the following conclusions:

- The development appears compatible with the area.
- The building has remained vacant since 2016.
- The use is similar to the previous use in intensity
- The project should not adversely affect the neighboring properties.
- The project promotes an affordable health care option for many residents.
- The public health, safety and general welfare should not be negatively impacted by this rezoning.

Rezone Request



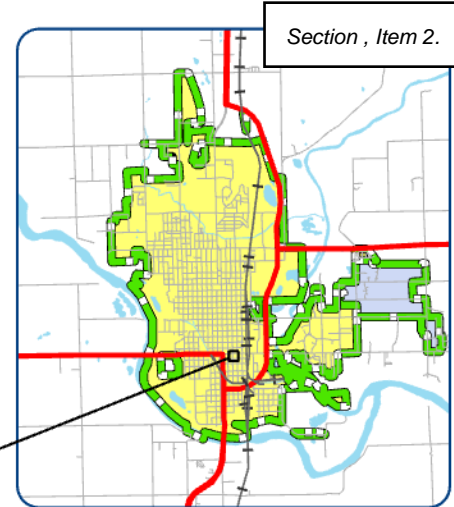
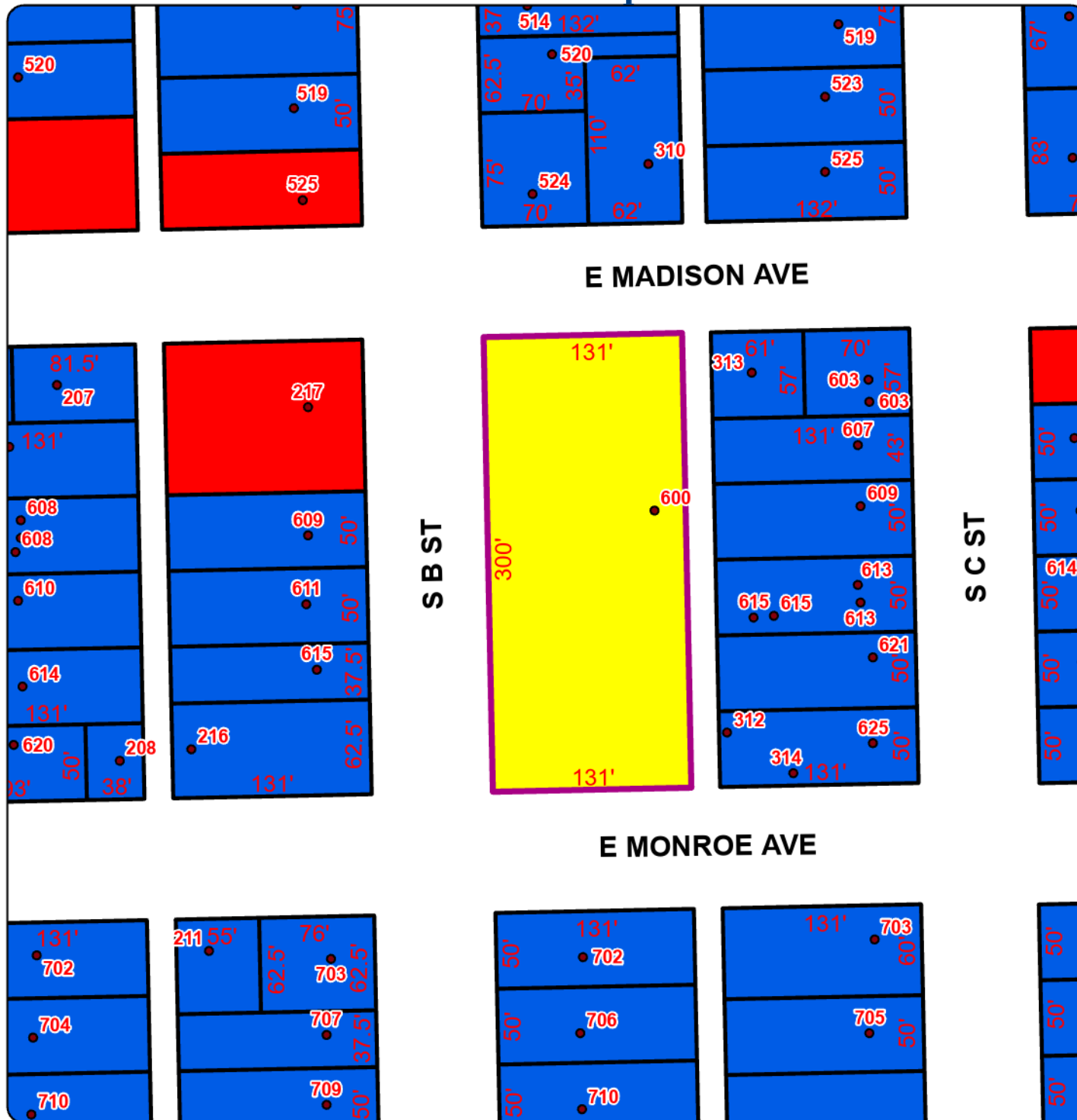
Request for a rezone at 600 S B Street
 from a
 P Public Use District
 to a
 C-1 Office and Service Business District

-  City Limits
-  Rezone
-  Property Lines

Produced by the
 City of Arkansas City GIS
 using the best available
 data to date.
 Created: December 06, 2021



Rezone Request



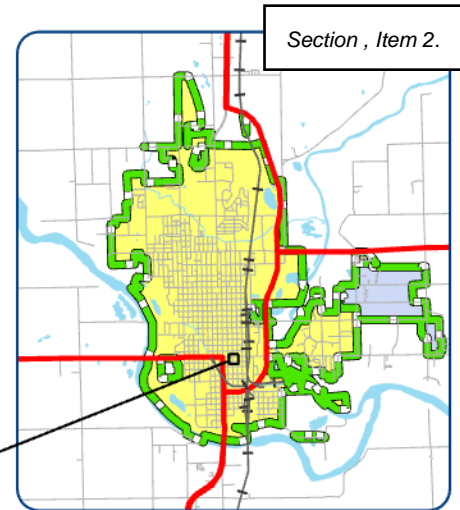
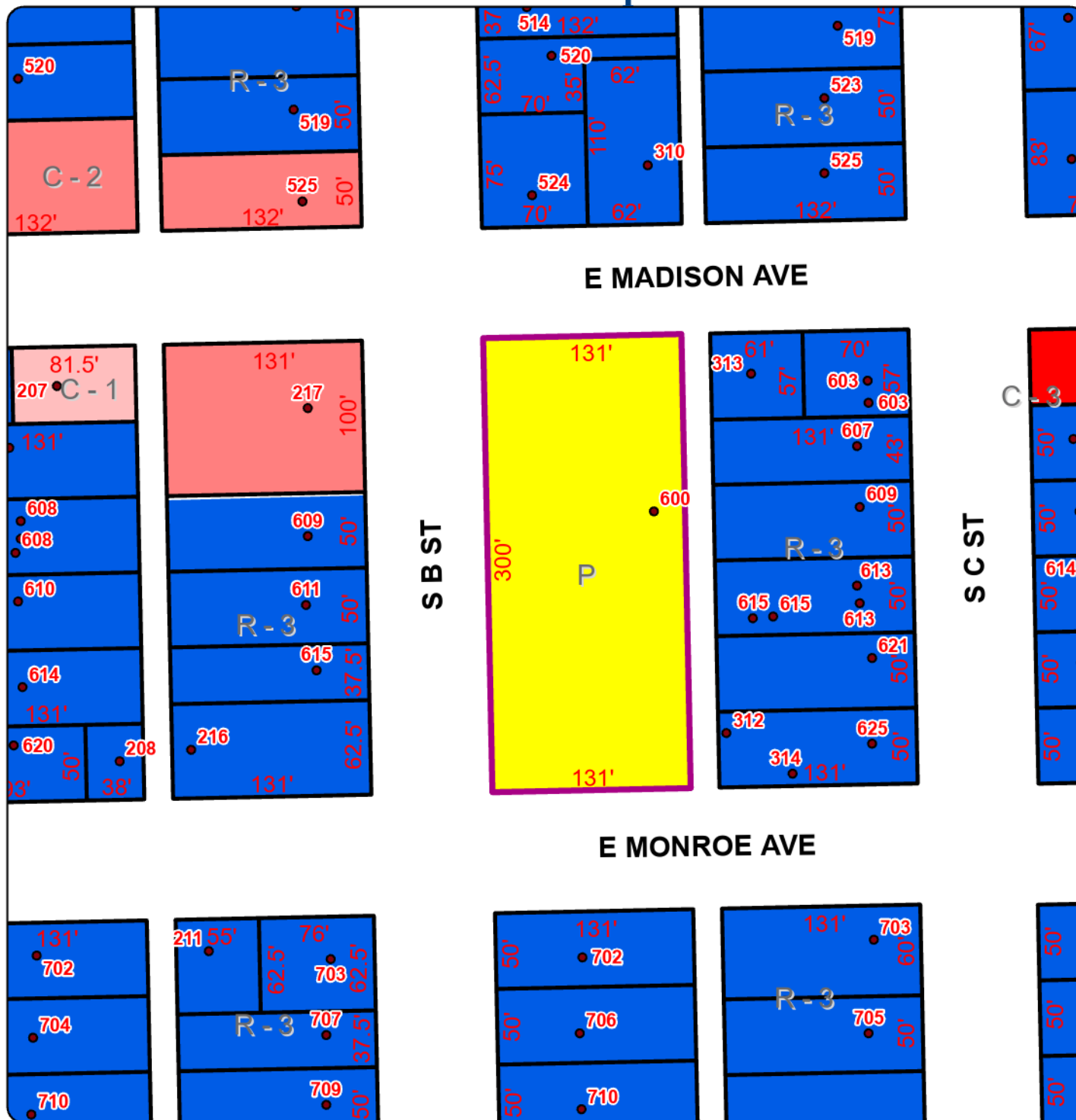
Request for a rezone at 600 S B Street
 from a
 P Public Use District
 to a
 C-1 Office and Service Business District

- City Limits
- Rezone
- Property Lines
- Future Land Use
- Residential
- Commercial
- Public

Produced by the
 City of Arkansas City GIS
 using the best available
 data to date.
 Created: December 06, 2021



Rezone Request



Request for a rezone at 600 S B Street
 from a
P Public Use District
 to a
C-1 Office and Service Business District

- City Limits
 - Rezone
 - Property Lines
- Zoning
- R-3, High Density Residential
 - C-1, Office and Service Business District
 - C-2, Restricted Commercial District
 - C-3, General Commercial District
 - P, Public Use District

Produced by the
 City of Arkansas City GIS
 using the best available
 data to date.
 Created: December 06, 2021





City Commission Agenda Item

Meeting Date: February 1, 2022
From: Rod Philo, Environmental Services
Item: North Pressure Zone High Service Pump Station Change Order #2

Purpose: Consider a Resolution authorizing the City of Arkansas City to approve Change Order No. 2 with Wildcat Construction Co, Inc, regarding repairs/maintenance to the North Pressure Zone High Service Pump Station, for an amount not to exceed \$8,207.90. **(Voice Vote)**

Background:

Change order #2 includes paving the area around the generator and transformer, Painting the interior walls and feed existing cathodic protection rectifier power from panel L 1 within the pump station.

Additional paving prevents premature wearing of surrounding concrete; interior painting extends the useful life of the structure and brightens the interior for operator safety. Powering the cathodic protection from the pump station removes two electric meters and their monthly meter charges from the site.

Commission Options:

1. Approve the Resolution
2. Disapprove the Resolution
3. Table the Resolution for futher consideration

Fiscal Impact:

Amount: \$8,207.90

Fund: **16-Water** Department: **651-Treatment** Expense Code: **7402-Capital Improvement**

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager

RESOLUTION NO. 2022-02

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO APPROVE CHANGE ORDER NO. 2 WITH WILDCAT CONSTRUCTION CO, INC, REGARDING REPAIRS/MAINTENANCE TO THE NORTH PRESSURE ZONE HIGH SERVICE PUMP STATION, FOR AN AMOUNT NOT TO EXCEED \$8,207.90.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the City Manager to accept Change Order No. 2 with Wildcat Construction Co, Inc, regarding repairs/maintenance to the North Pressure Zone High Service Pump Station, for an amount not to exceed \$8,207.90.

SECTION TWO: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and/or City staff of the City of Arkansas City, Kansas, to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION THREE: This Resolution shall be in full force and effect from its date of passage by the Governing Body of the City of Arkansas City, Kansas.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 1st day of February, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2022-02-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on February 1, 2022. as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk

CHANGE ORDER No. 2

Date of Issuance: January 21, 2022

Project Name: Ark City NPZ Pump Station	Owner: City of Arkansas City	Owner's Project Number:
Engineer's Project Number (if applicable): 35-190680-001-0655	Date of Contract: 7/2/2021	
Contractor: Wildcat Construction Co., Inc.	Funding Agency Project Number (if applicable):	

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Paving the area around the generator and transformer (approximately 170 SF).
2. Painting interior walls and ceiling with Tnemec Series 113 Waterborne Acrylic Epoxy, or equivalent, per the attached manufacturers instructions.
3. Feed existing cathodic protection rectifier power from panel L1 within the pump station and terminate inside the rectifier by the water tower.

Justification:

1. Beneficial for maintenance, prevent premature wearing of surrounding concrete.
2. Beneficial for maintenance, extend the useful life of the structure.
3. Provide new power to the existing cathodic protection to system to reduce the total number of meters required at the site.

Change to CONTRACT PRICE

Original CONTRACT PRICE:	\$	<u>777,860.00</u>
Current CONTRACT PRICE (as adjusted by previous CHANGE ORDERS):	\$	<u>777,860.00</u>
Increase in CONTRACT PRICE as of this Change Order:	\$	<u>8,207.90</u>
The new CONTRACT PRICE incorporating this CHANGE ORDER:	\$	<u>786,067.90</u>

Change to CONTRACT TIME:

Original Contract Times: Working Days Calendar Days

Substantial completion (days or date): _____

Final completion (days or date): _____

The CONTRACT TIME (as adjusted by previous CHANGE ORDERS):

Substantial completion (days or date): _____

Final completion (days or date): _____

[Increase] [Decrease] in CONTRACT TIME as of this Change Order:

Substantial completion (days or date): _____

Final completion (days or date): _____

CONTRACT TIMES with all approved CHANGE ORDERS:

Substantial completion (days or date): _____

Final completion (days or date): _____

REQUESTED:

By: Tom Costa
Contractor (Authorized Signature)

Date: 1/24/2022

Approved by Funding Agency (if applicable):

RECOMMENDED:

By: Nicole D. Franken
Engineer (Authorized Signature)

Date: 1/24/2022

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

Date: _____



H.B. TNEMEC-TUF COAT SERIES 113

PRODUCT PROFILE

GENERIC DESCRIPTION Waterborne Acrylic Epoxy

COMMON USAGE High performance coating suitable for concrete, steel and other commonly used building materials. Features include high-build, low odor, non-yellowing white and fade resistant colors; easy cleanup and stain-, abrasion-, chemical- and moisture-resistance. Good exterior performance.

COLORS Refer to Tnemec Color Guide.

FINISH Satin

PERFORMANCE CRITERIA Extensive test data available. Contact your Tnemec representative for specific test results.

COATING SYSTEM

PRIMERS **Steel:** Series 1, 10, 27, 37H, 66, N69, N69F, 90E-92, 90-97, H90-97, 115, 394, 530. **Note:** Series 10 and 37H are not recommended for frequently wet conditions. Allow Series 10 to cure one week and 37H to cure 30 days before topcoating. **Note:** When topcoating Series 1 or 394 with 113, maximum recoat time is three days.
Galvanized Steel and Non-Ferrous Metal: Series 66, N69, N69F, 115
Dense Concrete: Self-priming, Series 130, 218
CMU: Series 54, 130, 218
Drywall: Series 151
Wood: Dry interior environments only, self-priming, Series 10-99W, 151-1051

SURFACE PREPARATION

NEW CONCRETE & CMU Allow to cure for 28 days. Level protrusions and mortar spatter. For optimum results, abrasive blast referencing SSPC-SP13/NACE 6, ICRI CSP 2-3 Surface Preparation of Concrete and Tnemec's Surface Preparation and Application Guide.

PAINTED SURFACES Apply test patch to check adhesion. Remove loose paint and spot prime.

ALL SURFACES Must be clean, dry and free of oil, grease, form release agents and other contaminants.

TECHNICAL DATA

VOLUME SOLIDS 44.0 ± 2.0% (mixed) †

RECOMMENDED DFT 4.0 to 6.0 mils (100 to 150 microns) per coat. **Note:** Number of coats and thickness requirements will vary with substrate, application method and exposure. Contact your Tnemec representative.

CURING TIME	Temperature	To Touch	To Handle	To Recoat
	75°F (24°C)	30-45 minutes	2-3 hours	1-2 hours

Curing time varies with surface temperature, air movement, humidity and film thickness.

VOLATILE ORGANIC COMPOUNDS

Unthinned
 1.90 lbs/gallon (228 grams/litre)
Thinned 5% (No. 59 Thinner)
 2.03 lbs/gallon (243 grams/litre) †

HAPS **Unthinned:** 2.59 lbs/gal solids
Thinned 5% (No. 59 Thinner): 2.82 lbs/gal solids

THEORETICAL COVERAGE 706 mil sq ft/gal (17.3 m²/L at 25 microns). See APPLICATION for coverage rates. †

NUMBER OF COMPONENTS Two: One Part A (4.5 gal) and One Part B (1/2 gal)

PACKAGING Five-Gallon Kit: Consists of approximately 4.5 gallons of Part A in a five gallon pail and a partially-filled, half-gallon jug of Part B. When mixed, yields five gallons (18.9L).
 One-Gallon Kit: Consists of a partially-filled one gallon can labeled Part A and a partially-filled pint can labeled Part B. When mixed, yields one gallon (3.79L).

NET WEIGHT PER GALLON 11.11 ± 0.25 lbs (5.04 ± .11 kg) (mixed) †

STORAGE TEMPERATURE Minimum 35°F (2°C) Maximum 110°F (43°C)

TEMPERATURE RESISTANCE (Dry) Continuous 170°F (77°C) Intermittent 250°F (121°C)

SHELF LIFE Part A: 24 months; Part B: 12 months at recommended storage temperature.

FLASH POINT - SETA Part A: 190°F (88°C) Part B: 135°F (57°C)

HEALTH & SAFETY Paint products contain chemical ingredients which are considered hazardous. Read container label warning and Material Safety Data Sheet for important health and safety information prior to the use of this product.
Keep out of the reach of children.

H.B. TNEME-TUFLOAT | SERIES 113

APPLICATION

COVERAGE RATES

	Dry Mills (Microns)	Wet Mills (Microns)	Sq Ft/Gal (m ² /Gal)
Suggested	5.0 (125)	11.5 (290)	141 (13.1)
Minimum	4.0 (100)	9.0 (230)	176 (16.4)
Maximum	6.0 (150)	13.5 (345)	118 (10.9)

Allow for overspray and surface irregularities. Film thickness is rounded to the nearest 0.5 mil or 5 microns. Application of coating below minimum or above maximum recommended dry film thicknesses may adversely affect coating performance. †

MIXING

Always use the entire contents of A and B components. Stir contents of Part A, making sure no pigment remains on the bottom. Slowly add the contents of Part B to Part A while under agitation. Continue agitation until thoroughly mixed.

THINNING

Use clean water. For air, airless spray, brush or roller, thin up to 5% or 1/4 pint (190 mL) per gallon. To improve brush and roll properties, thin up to 5% or 1/4 pint (190 mL) per gallon by volume with No. 59 Thinner. **Note:** Thin only after Part B has been thoroughly mixed with Part A according to mixing instructions.

POT LIFE

48 hours at 50°F (10°C) 24 hours at 77°F (25°C) 16 hours at 100°F (38°C)

APPLICATION EQUIPMENT

Air Spray

Gun	Fluid Tip	Air Cap	Air Hose ID	Mat'l Hose ID	Atomizing Pressure	Pot Pressure
DeVilbiss JGA 510	.070"	765	5/16" or 3/8" (7.9 or 9.5 mm)	3/8" or 1/2" (9.5 or 12.7 mm)	50-70 psi (3.4-4.8 bar)	10-20 psi (0.7-1.4 bar)

Low temperatures or longer hoses require higher pot pressure.

Airless Spray

Tip Orifice	Atomizing Pressure	Mat'l Hose ID	Manifold Filter
0.015"-0.019" (380-485 microns)	2400-3300 psi (165-228 bar)	1/4" or 3/8" (6.4 or 9.5 mm)	60 mesh (250 microns)

Use appropriate tip/atomizing pressure for equipment, applicator technique and weather conditions.

Roller: Use 1/4" (6.4 mm) synthetic woven nap rollers for smooth surfaces, use 1/2" to 3/4" (12.7 mm to 19 mm) synthetic woven nap rollers for rough surfaces.

Brush: Use a high quality nylon or synthetic bristle brush.

Touch-Up: To minimize variations in appearance, touch-up over existing Tneme-Tufcoat should be done by the same method as initial application.

SURFACE TEMPERATURE

Minimum 50°F (10°C) Maximum 120°F (49°C)

The surface should be dry and at least 5°F (3°C) above the dew point. Coating won't cure below minimum surface temperature.

CLEANUP

Clean all equipment immediately after use with clean water followed by a final washing with the recommended thinner or Ethanol.

† Values may vary with color.

WARRANTY & LIMITATION OF SELLER'S LIABILITY: Tnemec Company, Inc. warrants only that its coatings represented herein meet the formulation standards of Tnemec Company, Inc. THE WARRANTY DESCRIBED IN THE ABOVE PARAGRAPH SHALL BE IN LIEU OF ANY OTHER WARRANTY, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. The buyer's sole and exclusive remedy against Tnemec Company, Inc. shall be for replacement of the product in the event a defective condition of the product should be found to exist and the exclusive remedy shall not have failed its essential purpose as long as Tnemec is willing to provide comparable replacement product to the buyer. NO OTHER REMEDY (INCLUDING, BUT NOT LIMITED TO, INCIDENTAL OR CONSEQUENTIAL DAMAGES FOR LOST PROFITS, LOST SALES, INJURY TO PERSON OR PROPERTY, ENVIRONMENTAL INJURIES OR ANY OTHER INCIDENTAL OR CONSEQUENTIAL LOSS) SHALL BE AVAILABLE TO THE BUYER. Technical and application information herein is provided for the purpose of establishing a general profile of the coating and proper coating application procedures. Test performance results were obtained in a controlled environment and Tnemec Company makes no claim that these tests or any other tests, accurately represent all environments. As application, environmental and design factors can vary significantly, due care should be exercised in the selection and use of the coating.

Tnemec Company Inc. 6800 Corporate Drive Kansas City, Missouri 64120-1372 1-800-TNEMEC1 Fax: 1-816-483-3969 www.tnemec.com



City Commission Agenda Item

Meeting Date: February 1, 2022
From: Randy Frazer, City Manager
Item: City Manager Updates

Purpose: City Manager's Report on Upcoming Activities

Background:

1. There will be an optional **pre-bid conference** for contractors interested in bidding on the **North Summit Street Resurfacing Project** at **1:30 p.m. Thursday, February 3** in the Commission Room at City Hall.
2. The City, the **Arkansas City Area Chamber of Commerce** and **Cowley First** will be host to a special **"visioning session"** for downtown Arkansas City from **11 a.m. to 12:30 p.m. Saturday, February 5** at the Burford Theatre, located at 118 S. Summit St. This is a public event. Please see attached flier for details!
3. The next **RISE Cowley** steering committee meeting will be at **10 a.m. Tuesday, February 8** at the Cowley County Courthouse, located at 311 E. Ninth Ave. in Winfield. (This meeting also is available via [Zoom](#).)
4. The next monthly **Cowley County Legislative Committee** meeting will be at **noon Tuesday, February 8** at the Winfield Area Chamber of Commerce office, located at 123 E. Ninth Ave. in downtown Winfield.
5. The next **City Commission** study session will be at **noon Friday, February 11** in my office here at City Hall.

Approved for Agenda by:

Randy Frazer, City Manager

RE:BUILDING ARK CITY COMMUNITY INPUT SESSION

11 AM TO 12:30 PM FEB. 5

YOU'RE INVITED!

We want to hear YOUR ideas for revitalizing downtown Arkansas City.

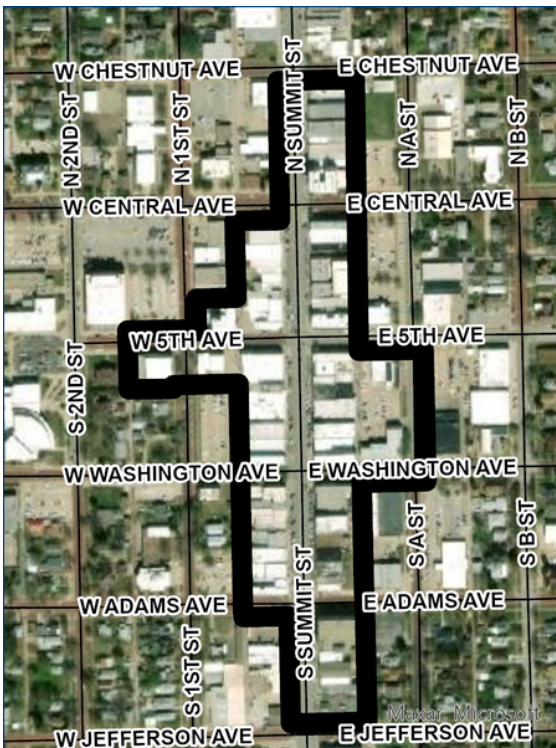
PLEASE JOIN US!

SATURDAY, FEBRUARY 5, 2022
11 AM - SMALL GROUP BREAKOUTS
NOON TO 12:30 PM - CLOSE-OUT

BURFORD THEATRE
118 S. SUMMIT ST.
ARKANSAS CITY, KS

REFRESHMENTS WILL BE PROVIDED

To RSVP, contact:
Josh White
City of Arkansas City
jwhite@arkansascityks.gov
(620) 441-4420



This Community Input Session will be led by Kansas State University to provide input for the revitalization of downtown Arkansas City and the Downtown Historic District.





City Commission Agenda Item

Meeting Date: 2/1/22
From: Josh White, Principal Planner
Item: CRS Letter of Interest

Purpose: Consider a letter of interest to participate in the National Flood Insurance Program Community Rating System.

Background:

The Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP). Over 1,500 communities participate nationwide.

In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community’s efforts that address the three goals of the program:

1. Reduce and avoid flood damage to insurable property
2. Strengthen and support the insurance aspects of the National Flood Insurance Program
3. Foster comprehensive floodplain management

To begin the application process, the community submits a letter of interest to FEMA. Staff would then work with FEMA and the Kansas Department of Agriculture-Division of Water Resources. The Division of Water Resources will help us determine what activities warrant points and what changes would need to be made in order to gain additional points. The more points the community achieves, the higher the premium discount will be. The City is not obligated to get to a certain amount of points and can choose to stop at whatever level it feels is appropriate. Staff feels that we can easily get to a Class 8 which would represent a 10% discount by streamlining our processes and making some minor changes to our floodplain ordinance. There is no application fee and all CRS publications are free.

At the end of 2021, Arkansas City had 27 flood insurance policies in effect.

Commission Options:


Fiscal Impact:

Amount:

Fund:	Department:	Expense Code:
_____ Included in Budget	_____ Grant _____ Bonds	_____ Other (explain):

Attachments:

Approved for Agenda by:

A handwritten signature in black ink, appearing to be 'Randy Frazer', written over a horizontal line.

Randy Frazer, City Manager



City of Arkansas City, Kansas

118 W Central Ave/Arkansas City, KS/67005

Phone: 620-441-4420 Fax: 620-441-4403

www.arkansascityks.gov



January 25, 2022

Todd Tucker
FEMA Region VII
11224 Holmes Road
Kansas City, MO 64131

Dear Mr. Tucker,

The City of Arkansas City is interested in participating in the Community Rating System (CRS) so that our residents will qualify for discounted flood insurance premiums.

Our CRS Coordinator is Josh White, who can be reached at 620-441-4420 or jwhite@arkansascityks.gov.

We will cooperate with FEMA, the Insurance Services Office, Inc. (ISO), and the CRS verification process to ensure that our credited activities are fully earned and warranted.

Please ask ISO to visit us to review our program in depth and verify the creditable activities. We understand that approval from the FEMA Regional Office is needed for the ISO/CRS Specialist to visit the community.

Sincerely,

Kanyon Gingher

Mayor

cc: Melissa Mitchell, ISO/CRS Specialist, mmitchell@iso.com
Steve Samuelson, KS NFIP Coordinator, steve.samuelson@ks.gov
Sherry Harper, ISO/Senior Technical Coordinator, sharper@verisk.com



National Flood Insurance Program
Community Rating System

A Local Official's Guide to
Saving Lives, Preventing Property Damage, and
Reducing the Cost of Flood Insurance

FEMA B 573 / 2018



FEMA

The Community Rating System Works

Every year, flooding causes hundreds of millions of dollars' worth of damage to homes and businesses around the country. Standard homeowners and commercial property insurance policies do not cover flood losses. To meet the need for this vital coverage, the Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP).

The NFIP offers reasonably priced flood insurance to all properties in communities that comply with minimum standards for floodplain management.

The NFIP's Community Rating System (CRS) credits community efforts beyond those minimum standards by reducing flood insurance premiums for the community's property owners. The CRS is similar to—but separate from—the private insurance industry's programs that grade communities on the effectiveness of their fire suppression and building code enforcement efforts.

CRS discounts on flood insurance premiums range from 5% up to 45% (see Table 1), based on CRS credit points that are awarded to

communities. The discounts provide an incentive for communities to implement new flood protection activities that can help save lives and property when a flood occurs.

The CRS provides credit under 19 public information and floodplain management activities described in the *CRS Coordinator's Manual*.

You're probably already doing many of these activities. To get credit, community officials will need to prepare documentation that verifies these efforts.

The CRS assigns credit points for each activity. Table 2 lists the activities and the possible number of credit points for each one. The table also shows the average number of credit points communities earn for each activity. These averages may give you a better indication than the maximums of what your community can expect.

To be eligible for a CRS discount, your community must do Activity 310, Elevation Certificates. If you're a designated repetitive loss community, you must also do Activity 510, Floodplain Management Planning. All other activities are optional.



Based on the total number of points your community earns, the CRS assigns you to one of ten classes. Your discount on flood insurance premiums is based on your class.

For example, if your community earns 4,500 points or more, it qualifies for Class 1, and property owners in the in the Special Flood Hazard Area (SFHA) get a 45% discount on their insurance

premiums. If your community earns as little as 500 points, it's in Class 9, and property owners in the SFHA get a 5% discount. If a community does not apply or fails to receive at least 500 points, it's in Class 10, and property owners get no discount.

Table 1, below, shows the number of points required for each class and the corresponding discount.

Table 1.
How much discount property owners in your community can get

Rate Class	Discount for SFHA*	Discount for Non-SFHA**	Credit Points Required
1	45%	10%	4,500 +
2	40%	10%	4,000–4,499
3	35%	10%	3,500–3,999
4	30%	10%	3,500–3,499
5	25%	10%	3,000–2,999
6	20%	10%	2,500–2,499
7	15%	5%	1,500–1,999
8	10%	5%	1,000–1,499
9	5%	5%	500–999
10	0	0	0–499

* Special Flood Hazard Area

** Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage. The Preferred Risk Policy does not receive premium rate credits under the CRS because it already has a lower premium than other policies. Although they are in SFHAs, Zones AR and A99 are limited to a 5% discount. Premium reductions are subject to change.

Table 2.

What You Can Do to Get Credit

The CRS grants credit for 19 different activities that fall into four series:

Series 300	Public Information	Maximum Points*	Average Points *
	<p>This series credits programs that advise people about the flood hazard, flood insurance, and ways to reduce flood damage. The activities also provide data insurance agents need for accurate flood insurance rating.</p>		
310	<p>Elevation Certificates</p> <ul style="list-style-type: none"> • Maintain FEMA elevation certificates for new construction in the floodplain. (At a minimum, a community must maintain certificates for buildings built after the date of its CRS application.) 	116	38
320	<p>Map Information Service</p> <ul style="list-style-type: none"> • Provide Flood Insurance Rate Map information to those who inquire, and publicize this service. 	90	73
330	<p>Outreach Projects</p> <ul style="list-style-type: none"> • Distribute outreach projects with messages about flood hazards, flood insurance, flood protection measures, and/or the natural and beneficial functions of floodplains. 	350	87
340	<p>Hazard Disclosure</p> <ul style="list-style-type: none"> • Real estate agents advise potential purchasers of flood-prone property about the flood hazard. • Regulations require notice of the hazard. 	80	14
350	<p>Flood Protection Information</p> <ul style="list-style-type: none"> • The public library and/or community’s website maintains references on flood insurance and flood protection. 	125	38
360	<p>Flood Protection Assistance</p> <ul style="list-style-type: none"> • Give inquiring property owners technical advice on how to protect their buildings from flooding, and publicize this service. 	110	55
370	<p>Flood Insurance Promotion</p> <ul style="list-style-type: none"> • Assess flood insurance coverage within the community and implement a plan to promote flood insurance. 	110	39
Series 300	Total	981	163

*Maximum and average points are subject to change. See the current *CRS Coordinator’s Manual* for the latest information.

Series 400	Mapping & Regulations	Maximum Points*	Average Points *
<p>This series credits programs that limit floodplain development or provide increased protection to new and existing development.</p>			
410	<p>Floodplain Mapping</p> <ul style="list-style-type: none"> • Develop new flood elevations, floodway delineations, wave heights, or other regulatory flood hazard data for an area not mapped in detail by the flood insurance study. • Have a more restrictive mapping standard. 	802	60
420	<p>Open Space Preservation</p> <ul style="list-style-type: none"> • Guarantee that currently open public or private floodplain parcels will be kept free from development. • Zone the floodplain for minimum lot sizes of 5 acres or larger. 	2,020	509
430	<p>Higher Regulatory Standards</p> <ul style="list-style-type: none"> • Limit new buildings and/or fill in the floodplain. • Require freeboard. • Require soil tests or engineered foundations. • Require compensatory storage. • Require coastal construction standards in AE Zones. • Have regulations tailored to protect critical facilities or areas subject to special flood hazards (for example, alluvial fans, ice jams, subsidence, or coastal erosion). 	2,042	270
440	<p>Flood Data Maintenance</p> <ul style="list-style-type: none"> • Keep flood and property data on computer records. • Use better base maps. • Maintain elevation reference marks. 	222	115
450	<p>Stormwater Management</p> <ul style="list-style-type: none"> • Regulate new development throughout the watershed to ensure that post-development runoff is no greater than pre-development runoff. • Regulate new construction to minimize soil erosion and protect or improve water quality. 	755	132
Series 400		Total	5,841
			1,086

Series 500	Flood Damage Reduction	Maximum Points*	Average Points *
<p>This series credits programs that reduce the flood risk to existing development.</p>			
510	<p>Floodplain Management Planning</p> <ul style="list-style-type: none"> • Prepare, adopt, implement, and update a comprehensive flood hazard mitigation plan using a standard planning process. • Prepare an analysis of the repetitive flood loss areas within the community. <p><i>Note: category C repetitive loss communities must receive credit for either the floodplain management plan or the repetitive loss area analysis, above.</i></p> <ul style="list-style-type: none"> • Prepare, adopt, implement, and update a plan to protect natural functions within the community's floodplain. 	622	175
520	<p>Acquisition and Relocation</p> <ul style="list-style-type: none"> • Acquire and/or relocate floodprone buildings so that they are out of the floodplain. 	2,250	195
530	<p>Flood Protection</p> <ul style="list-style-type: none"> • Protect existing floodplain development by floodproofing, elevation, or minor flood control projects. 	1,600	73
540	<p>Drainage System Maintenance</p> <ul style="list-style-type: none"> • Have a program for and conduct annual inspections of all channels and detention basins; remove debris as needed. 	570	218
Series 500	Total	5,042	661

Series 600	Flood Preparedness	Maximum Points*	Average Points *	
<p>This series credits flood warning, levee safety, and dam safety projects.</p>				
610	Flood Warning and Response <ul style="list-style-type: none"> <li data-bbox="178 492 726 570">• Provide early flood warnings to the public, and have a detailed flood response plan keyed to flood crest predictions. 	395	254	
620	Levees <ul style="list-style-type: none"> <li data-bbox="178 641 742 768">• Annually inspect and maintain existing levees; have a system for recognizing the threat of levee failure and/or overtopping, disseminating warnings, and providing emergency response; and coordinate with operators of critical facilities. 	235	157	
630	Dams <ul style="list-style-type: none"> <li data-bbox="178 833 740 959">• Have a high-hazard-potential dam that could affect the community; have a system for recognizing the threat of dam failure, disseminating warnings, planning and practicing emergency responses; and coordinating with operators of critical facilities. 	160	35	
Series 600		Total	790	446
All Series		Total	12,654	2,537



Additional Credit

Your community can get additional credit for regulating development outside the SFHA to the same standards as development inside the SFHA. There is also credit for assessing future flood conditions, including the impacts of future development, urbanization, and changing weather patterns. See the *CRS Coordinator's Manual* for full details.

Many communities can qualify for what the CRS calls “state-based credit,” based on the activities or regulations a state or regional agency implements within communities. For example, some states have disclosure laws eligible for credit under Activity 340 (Hazard Disclosure). Any community in those states can receive the state-based credit.

Your community may want to consider floodplain management activities not listed in the *CRS Coordinator's Manual*. You should evaluate these activities for their ability to increase public safety, reduce property damage, avoid economic disruption and loss, and protect the environment. In addition, you can request a review of these activities to determine whether they could be eligible for CRS credit. FEMA welcomes innovative ways to prevent or reduce flood damage.

How to Apply

Participation in the CRS is voluntary. If your community is in full compliance with the rules and regulations of the NFIP, you may apply. There's no application fee, and all CRS publications are free.

Your community's chief executive officer (your mayor, city manager, or other top official) must appoint a CRS coordinator to serve as the liaison between the community and FEMA. The coordinator should know the operations of all departments that deal with floodplain management and public information. And the coordinator should be able to speak for the community's chief executive officer.

To begin the application process, your community submits a letter of interest to your FEMA Regional Office and documents that you are implementing floodplain management activities that warrant at least 500 CRS credit points. On the [CRS Resources website](http://www.CRSresources.org) (www.CRSresources.org) you can find a sample letter; the CRS Quick Check, a tool that helps you assess your community's possible credit points; and further instructions.

You may also want to download from that website a copy of the *CRS Coordinator's Manual*, which describes the program in full and provides specific information, including eligible activities, required documentation, and resources for assistance.

Help is also available through the contact information below.

CRS-related materials and many more resources are available at the [CRS Resources website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) and on [FEMA's website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) (https://www.fema.gov/national-flood-insurance-program-community-rating-system).

After your community applies for a CRS classification, the CRS will verify the information and arrange for flood insurance premium discounts.

For more info, write, phone, or fax:

NFIP/CRS

P.O. Box 501016

Indianapolis, IN 46250-1016

(317) 848-2898

Fax: (201) 748-1936

e-mail: nfipcrs@iso.com

[blank page]

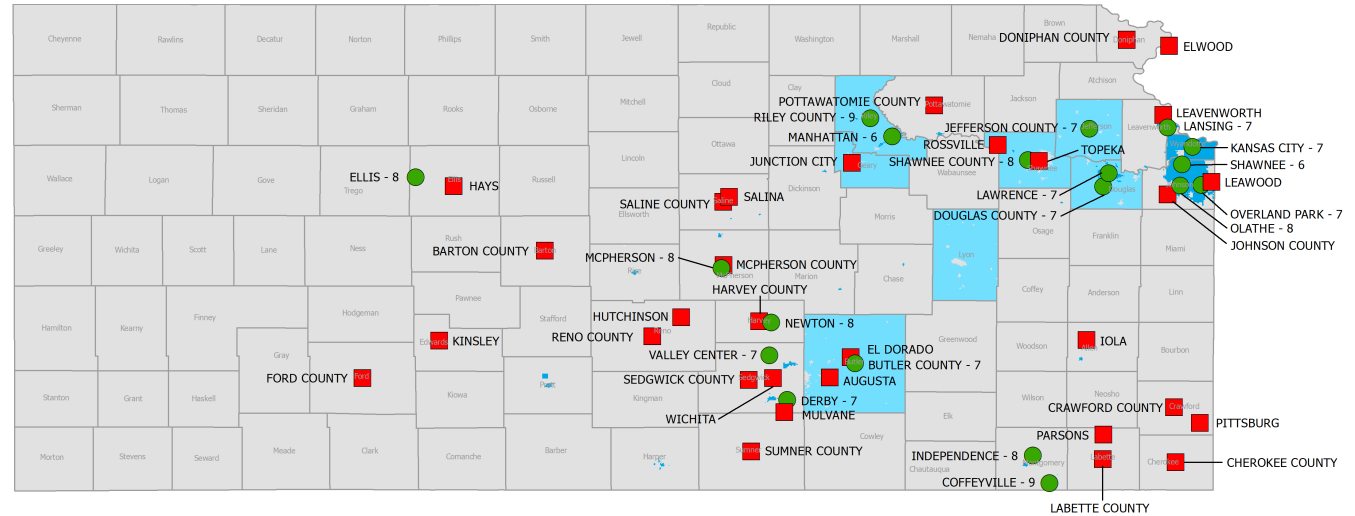


Kansas

Top 50 National Flood Insurance Program (NFIP) Policy Count Communities* and Community Rating System (CRS) Participation

*Ranked by the total number of NFIP insurance policies in-force

Rank	CID	Community Name	Policies	Class
1	200328	Wichita	775	--
2	205187	Topeka	766	--
3	200300	Manhattan	424	6
4	200174	Overland Park	342	7
5	200090	Lawrence	269	7
6	200321	Sedgwick County	215	--
7	200331	Shawnee County	188	8
8	200363	Kansas City	148	7
9	200319	Salina	131	--
10	200080	Elwood	122	--
11	200567	Reno County	107	--
12	200334	Rossville	98	--
13	200323	Derby	97	7
14	200316	Saline County	92	--
15	200133	Newton	91	8
16	200326	Mulvane	89	--
17	200167	Leawood	88	--
18	200173	Olathe	87	8
19	200037	Butler County	85	7
20	200621	Pottawatomie County	84	--
21	200039	El Dorado	73	--
22	200283	Hutchinson	70	--
23	200092	Kinsley	69	--
24	200298	Riley County	69	9
25	200087	Douglas County	68	7
26	200096	Hays	67	--
27	200585	Harvey County	67	--
28	200348	Sumner County	66	--
29	200184	Parsons	63	--
30	200190	Leavenworth	61	--
31	200078	Doniphan County	57	--
32	200564	Crawford County	57	--
33	200233	Independence	56	8
34	200327	Valley Center	54	7
35	200003	Iola	51	--
36	200214	Mcpheerson County	50	--
37	200217	Mcpheerson	50	8
38	200590	Labette County	50	--
39	200232	Coffeyville	49	9
40	200112	Junction City	46	--
41	200095	Ellis	45	8
42	200177	Shawnee	45	6
43	200016	Barton County	44	--
44	200044	Cherokee County	44	--
45	200072	Pittsburg	42	--
46	200101	Ford County	40	--
47	200189	Lansing	40	7
48	200147	Jefferson County	38	7
49	200159	Johnson County	38	--
50	200038	Augusta	37	--



Top 50 NFIP Communities

- Participating in CRS
- Not Participating in CRS

Other NFIP Communities

- Participating City
- Participating County
- Not Participating

CRS Class Data: October 1, 2021 / Policy Data: July 31, 2021

For a full list of CRS communities, visit <https://www.fema.gov/flood-insurance/rules-legislation/community-rating-system>

As of July 2021, 468 communities in Kansas participate in the National Flood Insurance Program (NFIP). Of these communities, 42 (or 9%) participate in the Community Rating System (CRS). Of the top 50 Kansas communities (in terms of flood insurance policies-in-force), 19 participate in the CRS. The remaining 31 communities present an outreach opportunity for encouraging participation in the CRS.



Benefits of Joining the CRS

- * Activities credited by the CRS provide direct benefits to the community, including enhanced public safety, reduction in flood damage, and environmental protection.
- * Residents know the community is working to protect them from flood losses.
- * Public information activities will build a knowledgeable constituency interested in supporting and improving flood protection measures.
- * Money stays in the community instead of being spent on insurance premiums.



City Commission Agenda Item

Meeting Date: February 1, 2022
From: Andrew Lawson, Public Information Officer
Item: City Advisory Board Reports

Purpose: City Advisory Board Reports

Background:

The City Commission receives regular reports from its appointed advisory boards and committees in the form of their approved minutes.

Commission Options:

1. No action needed.

Attachments:

The following approved board and committee minutes are included in this packet:

- **October 15, 2021** — Traffic Safety Committee
- **November 18, 2021** — Equal Opportunity and Accessibility Advisory Board
- **November 19, 2021** — Traffic Safety Committee ***(special meeting)***
- **December 2, 2021** — South Central Kansas Medical Center Board of Trustees
- **December 9, 2021** — Visit Ark City Board of Trustees
- **December 13, 2021** — Arkansas City Public Library Board of Trustees
- **December 16, 2021** — Arkansas City Recreation Commission
- **December 16, 2021** — 2022 Tacolalah Executive Committee
- **December 17, 2021** — Traffic Safety Committee ***(special meeting)***
- **December 22, 2021** — 2022 Tacolalah Executive Committee ***(special virtual meeting)***

Approved for Agenda by:

Randy Frazer, City Manager

Arkansas City Traffic Safety Committee
10/15/2021 Minutes

A regular meeting was held **Friday, October 15, 2021**, in the Water Treatment Facility classroom. Meeting called to order at **10 a.m.**

I. Roll Call: CITY STAFF MEMBERS

City Manager	Randy Frazer	<input type="checkbox"/>
Fire-EMS Department	Les Parks	<input type="checkbox"/>
Management Assistant	Mike Crandall	<input checked="" type="checkbox"/>
Police Department	Eric Burr	<input checked="" type="checkbox"/>
Principal Planner	Josh White	<input type="checkbox"/>
Public Information Officer	Andrew Lawson	<input checked="" type="checkbox"/>
Public Services Department	Brian Edwards*	<input checked="" type="checkbox"/>

COMMUNITY REPRESENTATIVES

City Commission	Karen Welch	<input checked="" type="checkbox"/>
Chamber of Commerce	Paisley Howerton*	<input checked="" type="checkbox"/>
Cowley College	Matt Stone	<input type="checkbox"/>
Equal Opportunity Board	Frances “Rags” Smith	<input checked="" type="checkbox"/>
Planning Commission	Ian Kuhn	<input checked="" type="checkbox"/>
School Board / Chamber	Jon Oak	<input type="checkbox"/>
USD 470 Public Schools	Will Pfannenstiel	<input checked="" type="checkbox"/>

*Others in attendance were USD 470 Superintendent **Ron Ballard**; TranSystems engineers **Slade Engstrom*** and **Shivraj Patil***; Ark City Police Department Capt. **Jim Holloway**; Ark City Middle School Principal **Robert Onelio***; Jefferson Elementary School Principal **Lauren Rosales***; Ark City High School Principal **Jeremy Truelove**; and citizens **Glenda Brantley**, **Amy Cox**, **Josiah Cox**, **Ken Harader**, **Chris Naylor**, **Harrison Taylor** and **Jill Wineinger**. (*Several attendees participated virtually via **GoToMeeting**.)*

II. Consent Agenda:

Karen made a motion to approve the minutes of the **July 27, 2021**, regular meeting as presented. Rags seconded the motion, which was approved **9-0** on a voice vote. Rags then made a motion to approve the minutes of the **September 10, 2021**, special meeting as presented. Karen seconded the motion, which also was approved **9-0** on a voice vote.

III. Public Comments:

There were no public comments for items not on the agenda.

IV. Reports:

Eric presented the Arkansas City Police Department’s quarterly traffic safety report for the third quarter (July to September).

Overall, there were **38** total vehicular traffic accidents in the third quarter of 2021, as compared to 68 in 2020 — **six** in July (down from 20 in 2020), **17** in August (same as in 2020) and **15** in September (down from 31).

Impaired driving citations are trending back down in 2021, with **18** in the second quarter and just **nine** in the third quarter, as compared to 14 in the second quarter of 2020 and 23 in the third. Traffic stops are also down considerably in 2021, with **872** in the second quarter and **568** in the third, as compared to 1,063 in the second quarter of 2020 and 1,588 in the third quarter.

Eric attributed these statistics mainly to reduced staffing. He is down to **12** sworn officers currently, whereas there were 14 for much of 2020. Additionally, total call volume to date is up slightly from 2020 levels and mental crisis calls are up **140%**.

Ian asked about recruitment. Eric said ACPD does better than other agencies with applications; it’s just hard to qualify them.

Mike said KDOT currently plans to let a contract for the Hike-Bike Trail Phase 2 Extension project sometime in **March 2022**.

Mike reminded everyone about the CCLIP grant to mill and overlay West Madison Avenue/U.S. 166 from Eighth Street to Summit Street, as well as the CDBG grant to help to resurface North Summit Street from Kansas Avenue to Radio Lane.

He said there is a plan to repair the railroad crossing on South Summit Street/U.S. 166, near KanPak, which will involve closing all four lanes of the highway for several days and detouring U.S. 166 traffic north on Summit Street to the bypass.

V. Old Business:

Andrew presented Jefferson Elementary School’s request for a crosswalk at A Street and Osage Avenue. He said City staff have met with school district administration and both entities plan to work together to fund a traffic study of the whole area.

Amy Cox, 135 Stanley Drive, spoke about and presented photos of the issues she and neighbors have with on-street parking.

Amy is concerned about the crosswalk that opens into her neighbor’s driveway. She thinks the crosswalk was moved 10 years ago from the intersection of A Street and Osage Avenue. Her back driveway opens onto Osage behind her house.

Jill Wineinger, 114 E. Poplar Ave., requested repainting of a crosswalk at A Street and Kansas Avenue and flashing signals.

Harrison Taylor, 525 N. Fourth St., echoed both women’s concerns and said the issues should’ve been addressed years ago.

Amy, Harrison and Jill all complained about the way their concerns have been addressed by the Public Services Department.

Lauren Rosales, Jefferson Elementary School principal, explained how she has addressed Amy’s concerns and the steps she has taken to mitigate issues. She thinks the crosswalk can be moved east to the intersection with some school policy changes.

Slade Engstrom, with TranSystems, expanded on his prior general recommendation to locate crosswalks near intersections.

Rags and Dr. Ballard said they agree with the idea of moving the crosswalk east, if only to improve ADA accessibility for it.

V2. Multimodal Transportation Master Plan:

Slade provided an overview of the crash data that he has been analyzing, but cautioned that the state has some “bad data.” He said these instances are infrequent enough that the overall trends he found are probably still valid, with only minor changes.

With the errors removed, he found that **29 percent** of total crashes were injury or fatality, while **71 percent** were property damage only. Just **2 percent** of total crashes involved pedestrians. Only about one-third of these occurred at intersections.

Slade recommended eliminating overlaps in the red-yellow-green light cycle at signalized intersections. (This has already been done at Chestnut Avenue and Summit Street to eliminate “running the yellow” crashes that were occurring too frequently.)

He said bicycle-involved accidents at intersections might be a bigger area of concern than even pedestrian-involved crashes.

Mike asked Slade what are the most effective ways he has found to slow down traffic in residential areas. Slade mainly recommended reducing residential speed limits and placing speed tables or other traffic calming devices in areas of concern.

He said speed tables need to be spaced out at least every 1,000 feet, but they can be combined with “raised intersections.”

Glenda Brantley, who lives near Birch Avenue and Fourth Street, said she is concerned about speeding in the area of that intersection. She cited one specific vehicle, but she was unable to provide a description as it usually drives by at nighttime.

Harrison Taylor, 525 N. Fourth St., again objected to the overall philosophy of traffic management in Arkansas City. Slade said there are now national standards for when a two-way stop or four-way stop is more appropriate at a given intersection.

Andrew asked Slade for the next steps in the Master Transportation Plan process. Slade said he will work on some maps next. Andrew detailed his plans to generate citizen engagement with a citizen response booth he hopes to set up during Arkalalah.

Paisley left the meeting in progress at **11 a.m.** and Rags left the meeting in progress at **11:14 a.m.** Will left the meeting briefly at **11:05 a.m.** but returned at **11:08 a.m.**

VI. New Business:

There was no New Business discussed at this meeting.

VII. Other Miscellaneous Items:

Ken Harader, 1313 N. First St., requested additional signage in the 1300 block of North First Street that prohibits left turns into Family Dollar. There are two “no left turn” signs now, but he wants to add a “Do Not Enter” sign on the “pork chop.”

Andrew made a motion to adjourn the meeting. Mike seconded the motion to adjourn. The motion was approved **7-0** on a voice vote.

The meeting was adjourned at **12 p.m.** The next meeting of the Traffic Safety Committee will be at **10 a.m. Friday, Nov. 19, 2021.**

A regular meeting was held **Thursday, November 18, 2021**, at the Water Treatment Facility. Meeting called to order at **4:10 p.m.**

Roll Call:

Board Members

Bob Baker
Ethan Bartlett
JoAnn Bierle
James Fry
Anita Judd-Jenkins
Tammy Lanman-Henderson
Frances "Rags" Smith

Staff Liaisons

Mike Bellis
Mike Crandall
Randy Frazer
Andrew Lawson
Marla McFarland
Larry Schwartz
Josh White (*via GoToMeeting*)

1. Approve August Regular Meeting Minutes:

Rags made a motion to approve the minutes of the **August 12, 2021**, regular meeting as written. James seconded the motion, which was approved **4-0** on a voice vote. Bob joined the meeting in progress at **4:24 p.m.** and Anita joined at **4:27 p.m.**

2. Comprehensive Plan Discussion:

Andrew and Josh wrapped up final discussion on the relevant sections of the Comprehensive Plan. Among goals discussed:

- Some new language about promoting diversity, equity and inclusivity, especially on City boards and in City hiring.
- Helping to build civic education and awareness, including improved voter turnout, among the entire population.
- Making ADA improvements and compliance an **extremely high and urgent** priority in future budgeting processes.
- Recommending the Neighborhood Services Division be authorized to budget for ADA and sidewalk improvements.

Proposed metrics could include a goal to have the composition of Board membership better match the Census after five years.

Andrew suggested possible future joint meetings with the Winfield Human Relations Commission and Winfield housing board.

The Board also expressed interest in meeting with the City Commission during a future study session to discuss their concerns.

3. EOAAB Authorizing Ordinance:

Andrew said three Board members met with City Attorney Larry Schwartz in October for an informal discussion of the Board's authorizing ordinance and challenges. (There was not a quorum present at this meeting so no minutes were kept.)

4. Review Title VI Plan Update:

Mike provided an overview of the City's current Title VI documents, which he had to update recently. All of these are available on the City website, including the Title VI Policy, Public Participation Plan, Limited English Proficiency Plan, Complaint Form and Equal Opportunity Brochure. These have to be on file with the Kansas Department of Transportation to ensure the City complies with all federal and state requirements on construction projects that receive federal and state funds.

5. Sidewalk Survey Project:

Andrew showed the Board an online web form Josh developed through which people can report sidewalk problems or needs.

The Board discussed assigning one section to each member and having them function as a "captain" or point of contact for it.

6. Other Miscellaneous Items:

The next regular 2022 Tacolalah Executive Committee meeting is at **noon December 16** at the Water Treatment Facility.

Andrew updated the Board on the current status of the CDBG housing rehabilitation project in northwest Arkansas City.

Anita made a motion to adjourn the meeting. James seconded the motion, which was approved **6-0** on a voice vote. The meeting was adjourned at **5:35 p.m.** The next meeting of the Equal Opportunity and Accessibility Advisory Board will be at **4 p.m. Dec. 9, 2021.**

Arkansas City Traffic Safety Committee
11/19/2021 Minutes

A special meeting was held **Friday, Nov. 19, 2021**, in the Water Treatment Facility classroom. Meeting was called to order at **10 a.m.**

I. Roll Call:	<u>CITY STAFF MEMBERS</u>		<u>COMMUNITY REPRESENTATIVES</u>		
	City Manager	Randy Frazer	<input type="checkbox"/>	City Commission	Karen Welch* <input checked="" type="checkbox"/>
	Fire-EMS Department	Les Parks	<input type="checkbox"/>	Chamber of Commerce	Paisley Howerton <input type="checkbox"/>
	Management Assistant	Mike Crandall	<input checked="" type="checkbox"/>	Cowley College	Matt Stone* <input checked="" type="checkbox"/>
	Police Department	Capt. Jim Holloway	<input checked="" type="checkbox"/>	Equal Opportunity Board	Frances "Rags" Smith <input checked="" type="checkbox"/>
	Principal Planner	Josh White	<input checked="" type="checkbox"/>	Planning Commission	Ian Kuhn <input type="checkbox"/>
	Public Information Officer	Andrew Lawson	<input checked="" type="checkbox"/>	School Board / Chamber	Jon Oak <input checked="" type="checkbox"/>
	Public Services Department	Tony Tapia	<input type="checkbox"/>	USD 470 Public Schools	Will Pfannenstiel* <input checked="" type="checkbox"/>

Others in attendance were USD 470 Superintendent Dr. Ron Ballard, TranSystems engineer Slade Engstrom*, Kirkham Michael engineer C.W. Harper*, Ark City Christian Academy Principal Lisa Holland*, DCCCA Traffic Safety Specialist Jodi Pew*, USD 470 Director of Curriculum and Instruction Braden Smith* and RISE Cowley Pathways Coordinator Lindsay Wilke*. (*GoToMeeting)*

II. Public Comments:

There were no public comments for items not on the agenda.

III. Reports:

Mike said KDOT currently plans to let a contract for the Hike-Bike Trail Phase 2 Extension project sometime in **May 2022**.

Mike reminded everyone about the CCLIP grant to mill and overlay West Madison Avenue/U.S. 166 from Eighth Street to Summit Street, as well as the CDBG grant to help to resurface North Summit Street from Kansas Avenue to Radio Lane. The City also was awarded a Cost Share grant from KDOT for this **\$910,000** project, reducing our local cost to just **\$227,500**.

Summit Street will be let for bids in **March 2022** and the 15th Street bridge replacement project sometime after **January 1**.

Andrew applied for **\$55,000** in matching funds from the Sunflower Foundation for the Central Trail (Phase 1A) and he applied again to the KDWPT Recreational Trails Program for the remainder of the cost, which would be about **\$180,000**.

He shared KDOT's anticipated increases in funding from the recently passed Infrastructure Investment and Jobs Act, including **\$89 million** in additional highway funding, **\$45 million** more for bridges and **\$8 million** for electric vehicles.

IV. Old Business:

Andrew introduced C.W. Harper, with Kirkham Michael, which has submitted a bid for a **\$5,000** traffic study of the Osage Avenue area. Staff is concerned the initial scope of the study is insufficient for the complexity of all the factors at play.

All of the Committee members were provided with an opportunity to speak to Kirkham Michael about the study's scope.

Dr. Ballard agreed this needs to be an "open" study with all of the additional items raised by City staff included in the scope.

He is especially concerned about pedestrian traffic along C Street, from Kansas to Osage avenues, and said it needs included.

Braden echoed this, adding there is a lot of pedestrian and vehicular traffic from Jefferson to the middle school and vice versa.

Lisa agreed with Braden and Dr. Ballard that the middle school produces the majority of the pedestrian traffic in the area. She does not have any safety concerns about the crosswalk at A Street and Kansas Avenue. ACCA students cross at C or Summit.

Jim asked Lisa if most of ACCA's traffic is vehicular drop-off and pickup. Lisa said yes. She said she doesn't see public school students crossing there very frequently, either.

Andrew asked USD 470 if Jefferson can poll students/parents about their mode of transportation and route(s) of approach.

Depending on how COVID-19 progresses, a public meeting to hear area stakeholder concerns at Jefferson might be in order.

Braden suggested doing that in conjunction with a future Site Council meeting at Jefferson, either in person

C.W. explained his concept for a walking trail or access road along the C Street Canal extending from Jefferson to C Street.

Andrew pointed out safety concerns along the canal, which is currently unfenced, as well as traffic impacts along C Street.

C.W. asked if the schools would be open to staggered pickup/drop-off times. Braden said that is already under discussion.

Mike said the estimate to add protected left turns at C Street and Kansas Avenue comes to **\$27,134**, with just cameras on the traffic lights, but it would be **\$32,620** if radar detection units are added as well. He said Tony is working to get other quotes.

IV2. Multimodal Transportation Master Plan Update:

Andrew said he is concerned that the plan will not be completed by the original projected date of **January 10, 2022**. He is still hopeful it can be wrapped up by the end of **February**, though. Work remains to be done on both Task 1 and Task 2.

The City is starting to work on inventory and assessment, especially of its sidewalks, but public engagement has been delayed mainly by COVID-19, but also because the State of Kansas has yet to roll out its new Multimodal Planning Toolkit.

Slade presented some crash “heat maps,” which are in pretty good alignment with what the Police Department has observed.

He noted all of the four elementary school areas show up on this map, so those regions need to be a planning priority for us.

Slade said Summit Street causes about 98 percent of all problems, including fatality, injury and pedestrian-related accidents.

He said the plan needs to look at pedestrian routing in general and make sure there are safe crossing options at intersections.

Jim said the heat maps matching what ACPD is seeing. He asked Slade about the overall crash numbers and said they seemed high. Slade said he had determined there were some bad data in his initial dataset that were from outside the City limits.

Andrew showed different examples of “speed tables” that Slade had sent, including portable rubber and permanent concrete.

IV3. Sidewalk Condition Evaluation Update:

Rags asked if the North Summit Street project will improve sidewalks. Mike said it will be completed on the east side only.

Andrew showed the web form Josh created to report sidewalk concerns. He explained how Rags’ board hopes to utilize it.

V. New Business:

There was no New Business discussed at this meeting.

VI. Other Miscellaneous Items:

Andrew showed the proposed route of the sidewalk at ACHS that the local FFA chapter proposes to raise funds to help to construct. He said FFA surveying of their student peers found that almost every pedestrian traveled along West Radio Lane.

The City has asked Chris Meinen for construction estimates and also to evaluate the possibility of realigning the street lanes.

Slade asked if the City looked into KDOT bridge funds to replace the bridge. Mike said it’s not eligible and is in good shape.

Andrew made a motion to adjourn the meeting. Rags seconded the motion to adjourn. The motion was approved **9-0** on a voice vote.

The meeting was adjourned at **11:37 a.m.** The next special meeting of the Traffic Safety Committee will be at **10 a.m. December 17.**



**SCKMC BOARD OF TRUSTEES MEETING MINUTES
December 2nd, 2021**

I. Call to Order – By Dan Jurkovich, Board Chairman at 7:30 am.

II. Welcome/Introduction

III. Medical Executive Committee/Med Staff Report

Paul Klaassen, MD

A. Credentialing

Appointment – None at this time.

Reappointment – William Simon, PA-C Ark City Clinic

Debra Schrag, PA-C Integrity

Tarena Sisk, APRN SCK Midwives

Kristen Cline, MD FreeState

- Motion – Med Exec
- Second – Kanyon Gingher
- Motion carried

IV. Minutes of previous meeting reviewed

Dan Jurkovich, Board Chair

- Motion – Kanyon Gingher approval of October 2021 and November 2021 minutes.
- Second – Jay Warren
- Motion carried and minutes approved

B. Committee Reports

1. Finance (Kansas Regs 28-34-5a) – 8/2021

Debbie Hockenbury, CFO

a.) Balance Sheet hospital and clinics

a-1) Operating cash and investments \$6,410,289.

a-2) Net accounts receivables \$5,298,369.

a-3 Allowance Accounts for Contractual and Bad Debt \$7,435,280.

a-4) Current Liabilities \$6,104,885.

a-5) Accrued Salaries & PTO \$693,557

a-6) Accounts Payable \$1,224,528.

b.) Operating Statement hospital and clinics excluding SCKC.

b-1) Total gross patient and physician revenue \$6,649,588.

B-2) Revenue deductions (\$4,775,942)

B-3) Net Patient revenue \$1,873,646

b-4) Total operating \$2,173,840

b-5) Net Operating loss of (\$298,734)



After non-operating revenue and expenses for the month the gain is (\$441,600.)

- c.) Clinics and Behavioral Health
 - c-1) SCK Clinic loss of (\$80,839)
 - c-2) Geri Psych gain of \$96,433.
 - c-3) Winfield Medical Arts loss of \$140,073
 - c-4) Ark City Clinic gain of (\$64,549)
 - c-5) Specialty Clinic loss \$7,422.
 - c-6) Midwives loss (\$50,438)
 - d.) Hospital and clinic A/R write off
 - d-1) Hospital \$46,100
 - d-2) Winfield Medical Arts \$158,800
 - d-3) Midwives \$28,300
 - d-4) Specialty clinic \$1,000
 - d-5) SCK Clinic \$53,500
 - e.) Charity Care \$140,552.
 - f.) Bad Debt \$602,221
 - g.) Bad Debt Recovery (\$107,223)
 - h.) Bankruptcy \$25,722
- 1- Finance - Charity Care to get approved for \$129,649.17.
- Motion – Dan Jurkovich, Board chair
 - Second – Kanyon Gingher, Vice-Chair
 - Motion carried
- i.) HRSA COVID Funds Update:
- h-1) Phase IV - Received \$871,038.86 on 11/23/21, from the American Rescue Plan. Funds can be used to cover lost revenues or eligible expenses dating back to 1/1/2020.
 - h-2) Phase IV – Provider Relief Fund – Nothing new to report.
 - h-3) SPARKS funds \$143,270.62 were received on 11/24/21.

1-Financials as presented.

- Motion – Jay Warren
- Second – Kanyon Gingher
- Motion carried.



2. Clinical Operations – Operational Update

Shona Turner, COO

Approval for 2021-2022 Quality Improvement Plan

- Motion – Dan Jurkovich
- Second – Jay Warren
- Motion carried.

A.) Service – Annual Goal

- To establish baseline of Customer Satisfaction as measured by Overall Provider rating October – December 2021 with increase to be achieved by 2022.
- Clinic/Provider goals January – December 2022 once baseline data received October – December 2021.
- To increase Customer engagement as measured by Press Ganey survey of IP Likelihood to recommend from baseline average 2020 of 64.29% to 75% 4th quarter 2022.

B.) Quality – Annual Goal

- To increase BCBS Quality Incentive payment from baseline of \$411,461 in 2020 to \$617,199 in 2022.
- To improve Quality Compass Measure from baseline of 85.71% in 2020 to 92% in 2022.

C.) People – Employee Engagement Survey

- Participation 73% (126/172) completed in November.
 - December review results
 - Communicate back to staff
 - Set goals for improving employee engagement

D.) Finance - Annual Goals

- To increase Operating Margin of 0.72% in 2020 to 2.5% in 2021-2022.
- To establish Foundation and raise \$1,000,000 in Capital Campaign Funds.

E.) SCK Health Foundation – Board members added

- Angie Bruce
- Sarah Jellings
- Carole Hearne
- John Sturd
- Christine Tanner
- Sandy Randel
- David Schmeidler

F.) Growth

Annual Goal – Increase Market Share as demonstrated by:



- Increase Urgent Care encounters of average 205 monthly in 2020 to average 246 in 2022 reflecting a 20% monthly increase.
- Increase ED Visits from 5318 in 2020 to 5400 in 2022. (Currently projected under 5,000 for 2021.) This would reflect 450 visits per month.
- Increase OB hospital deliveries of 52 in 2020 to 112 in 2022. (115% increase)

G.) Urgent Care – Increase encounters overall

- Average 205 monthly in 2020
- Average 246 monthly in 2022
- Reflecting a 20% monthly increase

H.) SCK ED

Annual Visits

- Increase ED visits from 5318 in 2020 to 5400 in 2022.

Monthly Average Visits

- Goal average 450 visits per month by 2022. (15 patients per day)

I.) Major Surgery Volumes – Going slightly up for 2021.

- 2020- 167 YTD
- 2021 – 217 YTD

J.) Minor Surgery – Going up for 2021.

- 2020 – 225 YTD
- 2021 – 319 YTD

K.) C – Section – has gone down for 2021.

L.) Lab Average Daily Tests – has gone up for 2021

- Averaging 300 test per day for September.

M.) Physical Therapy Outpatient is staying steady.

N.) Radiology has had an increase this year (2021).

- Averaging 1,000 exams a month

O.) CT Update

- Mobile Unit start on 11/15/21
- Removal of old unit 12/1/21
- CT delivery 12/6/21
- Installation complete by year end

P.) MRI Update

- Initial Construction meeting on 12/7/21
- Tentative delivery date 3/21/21
- Installation complete by April 30.



340-b Pharmacy Program Update

- October 22nd, we received \$3,324.59
- November 15th, we received \$15,833.02
- November 19th, we received \$19,503.21
- Payments continue to be very unpredictable

COVID Update

- KHA Committee and policy and Advocacy, the injunction came in place immediately.
- Worst case scenario by pausing our policy, we could have penalty against us for people who were not compliant.
- CMS has not given any indication they will stop the injunction policy at any time and will appeal all the way to the supreme court if the injunction gets overturn by the end of December.
- HB 2001 Unemployment claim, the law clearly says if you are denied an exemption.
- Will work with attorneys about the Federal Registry and one of those concerns that we are having on CMS is that there is a possible immediate jeopardy citation. If any facility allows an unvaccinated employee into a patient care area that could potentially result in them becoming covid positive.
- Need to be prepared for the injection to be in place and follow the policy.

Recruiting Update

- Dr. Shepherd is a Family Medicine and OB, visiting next week.
- Dr. Pansari is a General Surgeon and will be visiting today.

4. Executive Session

4-a) Pursuant to K.S.A. 75-4319(b) (2) – “for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship.”

- Motion to adjourn to executive session at 8:24am– Dan Jurkovich
- Second – Jay Warren
- Motion carried
- Resume at 8:40am.

4-b) K.S.A. 75-4319(b) (2) – “for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship.”

- Motion to adjourn to executive session at 8:40am - Dan Jurkovich
- Second – Jay Warren
- Motion carried



- Resume at 8:50am.

4-c) Motion to adjourn to executive session by Dan Jurkovich

- Second – Jay Warren
- Motion carried
- Entered regular board meeting at 8:50am.

v. **ADJOURNMENT**- There being no further business to come before the committee, the meeting was adjourned at 8:50 am.

- Motion to adjourn by Jay Warren, Treasurer
- Second – Brittany Carder, Member
- Motion carried

PARTICIPANTS	
Dan Jurkovich , Board Chairman •	Shawna Allison , Medical Staff Coordinator •
Kanyon Gingher , Board Vice Chairman •	Clayton Soule , Legal Counsel •
Jay Warren , Board Treasurer •	Chad Giles , Legal Counsel •
Bob Mathews , Board Member	Jacky Martinez , Administrative Assistant •
Brittany Carder , Board Member •	John Shelman , Courier/Traveler
Paul A Klaassen, MD , Chief of Staff •	Karen Zeller , Guest
Jeff Bowman , Chief Executive Officer •	Bill Rhiley , State Representative •
Debbie Hockenbury , Chief Financial Officer •	
Shona Turner , Chief Operations Officer •	
Jimmie Seacat , Director of HIS & Business Services	
Cindy Dotson , Director of Information Technology •	

Board Chairman _____ Date _____

Minutes for 12/2/2021

Visit Ark City

Board Meeting

December 9, 2021

The Visit Ark City board met on December 9th. President Arty Hicks called the meeting to order. The following members/guests were present – Kanyon Gingham, Arty Hicks, Pam Crain, Jill Hunter, Shannon Martin, Jynda Murray, Mike Murray, and Carlla Pike.

The October minutes were read, and a motion was made by Shannon Martin to approve, Jynda Murray seconded the motion and it passed.

The Treasurer's reports from October and November were presented. Kanyon made a motion to approve both, seconded by Jynda and the motion passed.

Jill presented the monthly report. She had attended the TIAK and SCKTR meeting and reported on Arkalalah activities. Jill had provided marketing, support and food to several local events.

Shannon made a motion to adjourn, seconded by Jynda and it passed. The next meeting will be held on January 13th.

MINUTES

**Arkansas City Public Library Board of Trustees Regular Meeting via Zoom –
December 13, 2021**

The Board of Trustees of the Arkansas City Public Library, pursuant to official notification, met Monday, December 13, 2021 at 5:30 p.m. via Zoom.

MEMBERS PRESENT:

- Duane Oestmann, City Commissioner, ex-officio
- Kayleigh Lawson, President
- Shawna Allison, Secretary
- Gia Watson
- Lloyd Colston
- Emily Mitton
- Mitch Reichle, Treasurer

STAFF PRESENT: Mendy Pfannenstiel, Library Director

OTHERS PRESENT: Andrew Lawson, PIO City of Arkansas City

Lawson called the meeting to order at 5:30 p.m.

Motion by Allison to approve the October meeting minutes. Second by Oestmann. Approved unanimously.

Motion by Allison to approve the October Treasurer’s Report. Second by Lawson. Approved unanimously. The October 2021 report shows that we have total assets of \$498,520.92 (\$2,048.90 in current liabilities, \$158,973.55 in the operating fund and \$321,531.43 in the capital improvement fund). We have accepted 112% of our anticipated receipts and expended 76% of our anticipated budget.

Pfannenstiel provided a Director’s report to the Board.

Short discussion concerning board appointments/terms and the revised facility lease agreement. No action taken.

Motion by Allison to approve changes to a previously introduced bill to create a new Arkansas City Area library district pending feedback from other stakeholders. Second by Lawson. Approved unanimously.

Motion by Oestmann to allow employees to sell back PTO time in the current fiscal year. Second by Colston. Approved unanimously.

Motion by Oestmann to approve end-of-year spending, including allowing the purchase of a GlowForge via the checking account/PayPal. Second by Colston. Approved unanimously.

Motion by Lawson to approve 2022 closure dates and the tentative Board of Trustees meeting schedule. Second by Oestmann. Approved unanimously.

Motion by Allison to approve the 2022 budget and chart of accounts. Second by Colston. Approved

unanimously.

Motion by Allison to approve changes to our collection policy concerning challenges to books/materials.

Second by Oestmann. Approved unanimously. Challenges must come from Ark City residents and the individual(s) must have read the entire work and cite specific examples. A committee made up of a library employee, board member and community member will review the challenge. If the individual(s) is not satisfied with the decision, the Board of Trustees will make a determination, which will be final.

Motion by Colston to adjourn the meeting. Second by Oestmann. Approved unanimously. With there being no further business, the meeting concluded at 7:14 p.m.

Personnel:

- Nothing new to report.

Facilities & Grounds:

- Painting & water damage repair is finished in the MakerSpace and a new electrical outlet was installed. We're working on moving everything back into the room and opening the space to the public soon.

Budget/Finance:

- Nothing new to report.

Collection/Circulation:

- We'll start a weeding schedule for the year of the entire collection.

Special Projects / Grants:

- StoryWalk displays for Lovie Watson Park have been quoted. Half the cost will be paid for by Power of the Purse's \$2,500 grant. Placing the order & installation will depend on approval of the Beautification Board.
- The solar-charging outdoor tables will ship this month. Installation will depend on the availability of City workers.
- End-of-year purchases included a GlowForge for the Makerspace; Study Carrel furniture to offer patrons more privacy; New Chairs for periodical section (more comfortable for patrons); Summer Reading prizes and supplies; Collection & Library supplies; OverDrive content; and Bookmobile supplies.

Technology:

- Nothing new to report.

Programming:

- Planning for Summer Reading is in full swing! This year's theme is "Oceans of Possibilities."

Public Relations:

- Facebook: 1,791 Page Likes; 1,895 Followers; 95 Page Views; 1,985 Post Reach; 272 Post Engagements
- Website: 22 Views
- Marketing: Facebook boosts; CourierTraveler ads; StoryWalk
- Partners: Community Health Center, USD 470 ELI, Chamber of Commerce, Cowley County Emergency Services, RISE Cowley, Ark City Rec

SCKLS/SCKAN/State Library:

- The State Report is due in February.

Gifts, Memorials, and Other:

- Nothing new to report.

Statistics:

- Year-end stats will be available next month

Submitted by:

Mendy Pfannenstiel, Director

January, 2021

Arkansas City Recreation Commission
MINUTES OF REGULAR MEETING

December 16th, 2021, 7:00am

Arkansas City Recreation Center, 225 East 5th Ave – Arkansas City, Kansas 67005

Board Members Present: Mr. Dustin Quint
Mr. Dave Pontious
Mrs. Sandra Davis
Mr. Jason O’Toole

Board Members Absent: Mr. Andy Paton

Staff Members Present: Mr. Landon West
Ms. Erica Fitzpatrick

Guests/Registrants Present: None

- 1) Call to Order: Approve the Agenda for Regular Meeting: Dave Pontious called the meeting to order at 7:00a.m. Dave Pontious made a motion to approve the agenda as posted; seconded by Dustin Quint motion passed.
- 2) Approve the Minutes of the Previous Meeting: Motion was made by Dustin Quint to approve the minutes of the November meeting, seconded by Jason O’Toole, motion passed.
- 3) Public Comment: None
- 4) Financial Reports: Dustin Quint made a motion to approve the financial report. Jason O’Toole seconded. Motion passed.
- 5) 2021 Fiscal Year Audit Report: Scott Terrel CPA, LLC presented the Arkansas City Recreation Commission FY 2021 Audit Report. Items described for consideration; Using QuickBooks to record expenses as they occur, utilizing QuickBooks classes, review an outstanding item from June 2020. No problems, findings or practice errors regarding accounting or processes for the Arkansas city Recreation Commission. Financially the ACRC had an income of \$1,594,554 against expenditures totaling \$1,284,564 providing a net profit of \$309,990. Dustin Quint made a motion to approve the FY 2021 Audit Report seconded by Dave Pontious. Motion Passed.
- 6) Proposals & Bids: Request to disperse the annual Tennis Association Appropriation of \$5000 for the 2021 season \$3500 to the Interlocal Annual Maintenance Agreement and \$1500 for the Tennis Association Annual Appropriation. Sandra Davis made a motion to approve, Dustin Quint seconded. Motion Passed.

Request to disperse the annual appropriation of \$2000 for the Ark City Takedown Club. Dustin Quint made a motion to approve seconded by Jason O’Toole. Motion passed.

A community citizen contacted us wanting to donate a nominal amount of stocks to the Ark City Takedown Club. Since it is stocks these funds need to be insured. It is in the best interest of ACRC to open a brokerage account for these funds. There is no cost to open the account however there is a small percentage used for transaction fees. This is to happen prior to the end of the calendar year. Jason O’Toole made a motion to approve, Sandra Davis seconded. Motion passed.

- 7) Review Superintendent report: Landon’s report to the board included the following: The FAC is nearing the end of the year and semester programs. They will be closed Dec. 24,25,31st and January 1st. 2022 Programs start Jan 5th. Planning for the 2022 PPP season will begin the 2nd week of January. Turkey Bingo and Santa Saturday were both successful with around 50 for Turkey Bingo and 102 for Santa Saturday. Moving Santa Saturday to the Ag Building showed great success with more room and the ability to spread out for activities. Santa

Shopping Mall will be open this Tuesday and Wednesday at the Rec in the Meeting Room. The Love Stockings were a great success with over 45 distributed to children in need in our area. IYQ 2022 planning has begun, and we are hoping to make this summer one to remember!

The PFC has been going well. The vinyl seats are cracking, and it has been getting worse with time. We once had a woman come in to give us a bid for re-upholstering them, but she never got back with us even after many attempts to contact her. Landon proposed that he could do it outside of normal business hours for a fee. The Board unanimously agreed that they are worried about him being burnt out and would prefer we look around for other offers. With noting that turn-around time is crucial.

Fall Sports are officially over with Winter sports beginning. Girls Basketball had a small season with only 8 teams between both leagues, but much improvement was seen throughout the season. Girls ended their season Dec 2nd. Boys Basketball season practices have begun with games starting the first week of January. Beginner Wrestling had a small inner-squad tournament in the South Gym on December 5th. Takedown Club held their Ark City Tournament this past weekend at ACHS. It was a smaller tournament than in the past due to a tournament in Wichita being hosted that same weekend. 2021 Gymnastics is wrapping up this Thursday and will start back up the second week of January. A youth Volleyball clinic is set to be held Monday January 17th since Ark City Schools are out that day. Adult Cornhole has its final tournament for the fall league on Monday. This event has been held on Mondays at the American Legion; we are considering moving it to Thursday evenings. Registrations are opening for K-2 Basketball, Spring Soccer, Winter Cornhole, Gymnastics and Adult Volleyball.


CONCO brought in another individual yesterday to discuss a paint-like product for the south wall. It is said to be a better and sturdier product for a lower cost. The guesstimate price is to cover the South and West walls for the price of the original bid that was just for the South wall.

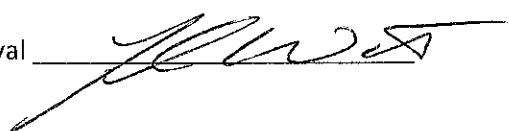
Still seeking a custodial applicant. Have only received one thus-far and we are unable to get ahold of him as of now.

Landon recently joined the Arkansas City Rotary club. We were supposed to be appointed a new board member to replace Andy Paton. The city was to appoint Zack Stoy; however, he lives in Parkerfield and is on their City Commission. We will await news or a new appointment from the city.

There has been no new discussion on the Paris Park Pool. Will most likely be put on hold until mid-January due to a changing of Commissioners.

- 8) Adjournment: Dustin Quint made a motion to adjourn at 8:02 am, seconded by Sandra Davis, motion passed. Meeting Adjourned.

Approval  1/20/22

Approval  1/20/22



2022 TACOLALAH COMMITTEE

MEETING: 12:06 PM THURSDAY, DEC. 16, 2021 @ WATER TREATMENT PLANT

Roll Call:	<u>Executive Committee Members</u>		<u>Executive Committee Alternates</u>	
<i>Community Spirit</i>	Charles Tweedy, Chairman	<input checked="" type="checkbox"/>	Kim Hager	<input type="checkbox"/>
<i>Beautification</i>	Candace Hendricks, Vice Chair	<input type="checkbox"/>	Paisley Howerton	<input type="checkbox"/>
<i>Visit Ark City</i>	Liz Shepard, Treasurer	<input type="checkbox"/>	Arty Hicks	<input type="checkbox"/>
<i>Equal Opportunity</i>	Tammy Lanman-Henderson	<input checked="" type="checkbox"/>	Anita Judd-Jenkins	<input type="checkbox"/>
<i>NWCC</i>	Gary Hale, Volunteer Coordinator	<input checked="" type="checkbox"/>	Felipe Escalante	<input type="checkbox"/>
<i>At-Large Member</i>	Debbie Savala, CDEM Coordinator	<input checked="" type="checkbox"/>	Melissa Mendez	<input type="checkbox"/>
<i>Outdoor Market</i>	Kelly Dillner, Market Coordinator	<input checked="" type="checkbox"/>		
	<u>Non-Voting Committee Advisors</u>			
	Jill Hunter, Fiscal Agent	<input checked="" type="checkbox"/>	Andrew Lawson, Secretary	<input checked="" type="checkbox"/>

Special guests were **Martha Esparza** and Arkalalah Executive Committee members **Chris Rains** (chair), **Jace Kennedy** (past chair), **Lance Givens**, **Damon Mendoza** and **Tasha Bucher** (secretary).

1. Approve minutes of the October 21, 2021, executive committee meeting.

Motion: **Tammy Lanman-Henderson** Second: **Gary Hale** Vote: **5-0**

2. Visit with Arkalalah Executive Committee about possible partnership opportunities:

Both entities share a desire not to compete against each other with Halfalalah and Tacolalah. We discussed partnering together on a single week with a possible multiday event. There definitely will be one poster for the entire week to promote all the events, like we did for the 150th in **July**.

Arkalalah indicated that Halfalalah was not very profitable for them. Tacolalah potentially could help out with the cost of securing entertainers, depending on sponsorships. Arkalalah would be interested in running the beer garden as a possible fundraiser for their event. They will reach out to corn hole enthusiasts to see about the possibility of a **May 7** tournament on the tennis courts.

The plan is to meet again in late **January** or early **February** and nail down how we can cooperate.

3. OLD BUSINESS: 2021 Arkalalah Big Parade Report (Saturday, October 30, 2021)

Debbie said she was disappointed in the lack of turnout from the other committee members. The Arkalalah committee members suggested some improvements for next year. They volunteered the use of a large trailer that they own as a float, which would get the dancers off of the street.



4. Approve Tacolalah Festival financial report as of Nov. 30, 2021 (Account balance: \$4,801.09)

Andrew has finished overhauling the balance sheet for **2021** and he presented that information to the committee. All missing bank statements have been reproduced and all receipts accounted for.

Invoices for koozies, signage and T-shirts ended up not being quite as high as originally projected.

The final “loss” for 2021 was just **\$605.57**, but if we didn’t have sales tax, it was a **\$475.38** profit.

Once Visit Ark City has finished disentangling its finances from the Chamber of Commerce and has a new taxpayer ID number, a new account will be set up with e-checking (and no more fees).

There is still sales tax payable for both **2019** and **2021** to reconcile that will come out of reserves.

Motion: **Kelly Dillner** Second: **Tammy Lanman-Henderson** Vote: **5-0**

5. OLD BUSINESS: Review/Revise Tacolalah Festival Bylaws and Policies?

This item was tabled again. Andrew will send out the bylaws for committee members to review.

6. NEW BUSINESS: Discuss Establishing Subcommittees

This item was tabled again until the **January 20** meeting so we can focus on the Arkalalah stuff.

Andrew suggested standing up a subcommittee to focus specifically on fall parades and floats.

7. NEW BUSINESS: Financial Items to Discuss in January

Merchandise, sponsorship levels and tokens are among the topics we plan to discuss **January 20**.

8. Other Miscellaneous Items:

Andrew shared with the Committee our late submission to the V.J. Wilkins Foundation for **2022**.

He is working with City staff on how to have some dedicated storage space on site at Wilson Park.

9. Adjourned at 1:40 p.m. Motion: Gary Hale Second: Tammy Lanman-Henderson Vote: 5-0

SPECIAL MEETING: 10 A.M. WEDNESDAY, DEC. 22, 2021 VIA GOTOMEETING

NEXT MEETING: NOON THURSDAY, JANUARY 20, 2022 @ 400 W. MADISON

Arkansas City Traffic Safety Committee
12/17/2021 Minutes

A special meeting was held **Friday, Dec. 17, 2021**, at USD 470’s Avery Learning Center. Meeting was called to order at **10:14 a.m.**

I. Roll Call: CITY STAFF MEMBERS

City Manager	Randy Frazer	<input checked="" type="checkbox"/>
Fire-EMS Department	Les Parks	<input type="checkbox"/>
Management Assistant	Mike Crandall	<input checked="" type="checkbox"/>
Police Department	Eric Burr	<input checked="" type="checkbox"/>
Principal Planner	Josh White	<input checked="" type="checkbox"/>
Public Information Officer	Andrew Lawson	<input checked="" type="checkbox"/>
Public Services Department	Brian Edwards*	<input checked="" type="checkbox"/>

COMMUNITY REPRESENTATIVES

City Commission	Kanyon Gingher	<input checked="" type="checkbox"/>
Chamber of Commerce	Paisley Howerton*	<input checked="" type="checkbox"/>
Cowley College	Matt Stone	<input type="checkbox"/>
Equal Opportunity Board	Frances “Rags” Smith	<input checked="" type="checkbox"/>
Planning Commission	Ian Kuhn	<input checked="" type="checkbox"/>
School Board / Chamber	Jon Oak	<input type="checkbox"/>
USD 470 Public Schools	Braden Smith	<input checked="" type="checkbox"/>

*Others in attendance were USD 470 Technology Director **Dac Call**, TranSystems engineer **Slade Engstrom***, DCCCA Traffic Safety Specialist **Jodi Pew***, State Rep. **Bill Rhiley**, and local citizens **Amy Cox**, **Kasha Kelley**, **Ken Harader***, **Harrison Taylor**, **Rob Whitford** and **Jill Wineinger**. (*Several attendees participated virtually via **GoToMeeting**.)*

II. Public Comments:

There were no public comments for items not on the agenda. Brian joined the meeting in progress at **10:26 a.m.**, and both he and Randy left the meeting at **11:39 a.m.** Ian joined the meeting prior to **11 a.m.**

III. Reports:

Slade led a discussion of possibilities for adding some kind of dedicated turning lane on North Summit Street in the existing right-of-way between Kansas Avenue and Radio Lane. The Committee did not voice support for any of the options presented. Eric said he would really like to have a discussion about reducing the speed limit to **20 mph** or **25 mph** through that corridor. Slade said reducing the speed limits would lessen the severity of crashes, but not prevent distracted driving accidents entirely. Mike made a motion to recommend that the City Commission consider lowering the speed limit from **30 mph** to **25 mph** on North Summit Street from Kansas Avenue to Radio Lane. Rags seconded the motion. It was approved **11-0** on a voice vote. Mike said neither the Arkansas City nor Winfield proposed bypass segments were added to the IKE development pipeline. We need to have more local participants the next time there is a Local Consult meeting to advocate for the project in small groups. Andrew thanked Rep. Rhiley for being on the Local Consult call and advocating for multiple local projects to be added. He said RISE Cowley was selected by the Sunflower Foundation to participate in Trail Champion cohort training in early **2022**.

IV. Old Business:

Andrew said the scope changes that were suggested to Kirkham Michael at the last meeting have increased the proposed cost from **\$5,000** to **\$25,000** for a traffic study of the area from Kansas to Osage avenues, between C and Summit streets. Rags asked how long the study might take. The proposal states 12 weeks. Andrew mentioned the possibility of applying to KDOT for a Traffic Engineering Assistance Program (TEAP) study. If the City is selected, KDOT would pay all the costs. **Amy Cox**, 135 Stanley Drive, wanted to know if moving the midblock crosswalk on Osage, between A and Summit, has to wait until the study is done. Randy said his preference would be to wait for its findings. She advocated for moving it sooner. **Kasha Kelley**, 2660 Valley View Drive, said the study was a good thing but urged the Committee to do something meaningful in the meantime because of how long the situation has been occurring. She asked if the school could arrange some sort of turnaround option to get parents off the street. Braden said it has been discussed but the area is too narrow. Ian stated there are other concerns that need to be evaluated, including ADA considerations and school policy impacts.

Rep. Rhiley requested a copy of the traffic study when it is done and said he would back up any City application to KDC

He mentioned the possibility of making Osage a one-way street. Several committee members explained why that is an issue.

Rags asked what it would actually cost to install ramps at A Street and Osage if the sidewalk were moved there. Mike said he would have to research that, but Andrew estimated it would be about **\$14,400**, based on estimates for North Summit Street.

Jill Wineinger, 114 E. Poplar Ave., said there was a lot of confusion concerning drop-off of preschoolers at the crosswalk.

Randy said he will need to visit with Dr. Ballard to determine how the study would be paid for by the City and USD 470.

Eric told Kasha he can try to have ACPD step up patrol in the area, while Jefferson will do some more flyers and education.

Kasha also told Braden she would be willing to be trained as a crossing guard so she can volunteer to help.

Andrew made a motion to endorse the scope of work as presented, recommend that the City and USD 470 find a way to fund the study, and also recommend that ACPD and USD 470 work together before the spring semester to determine if anything temporary can be done to alleviate the traffic issues. Mike seconded the motion, which was approved **11-0** on a voice vote.

Kasha asked when crosswalks are repainted. Andrew said that work is done in the summer. She asked about the crosswalk at A Street and Kansas Avenue. Mike said he had asked for that to be done, but did not have the authority to make it happen.

Randy reiterated that he does not want to make any changes to any crosswalks in the area until the study can be completed.

Ian agreed it needs to be repainted, but at the usually scheduled time of year. Kanyon defended City staff, who she said are hard workers and often understaffed. She reminded everyone that this is an advisory committee that has no budget authority.

IV2. Multimodal Transportation Master Plan Update:

Andrew said he is still waiting on the Kansas Department of Transportation to roll out its new Multimodal Planning Toolkit.

City staff viewed a preview of the draft toolkit on a recent webinar and think it will be a valuable tool to help with the plan.

V. New Business:

There was no New Business discussed at this meeting.

VI. Other Miscellaneous Items:

Andrew said the idea of realigning the street lanes on West Radio Lane won't work because the shoulders were not built to sufficient thickness to bear vehicles. It would be more expensive to pursue this option than to just build a new sidewalk there.

The local FFA chapter is still working with the district office to get approval for the project and to use Legacy Foundation.

Everyone wished Mike well with his new job, as this is his last meeting. His City retirement will be effective **December 31**.

Ian made a motion to adjourn the meeting. Andrew seconded the motion to adjourn. The motion was approved **9-0** on a voice vote.

The meeting was adjourned at **11:45 a.m.** The next regular meeting of the Traffic Safety Committee will be at **10 a.m. Jan. 21, 2022**.



2022 TACOLALAH COMMITTEE

SPECIAL MEETING: 10:03 AM TUESDAY, DECEMBER 22, 2021 VIA GOTOMEETING

Roll Call:	<u>Executive Committee Members</u>		<u>Executive Committee Alternates</u>	
<i>Community Spirit</i>	Charles Tweedy , Chairman	<input checked="" type="checkbox"/>	Kim Hager	<input type="checkbox"/>
<i>Beautification</i>	Candace Hendricks , Vice Chair	<input checked="" type="checkbox"/>	Paisley Howerton	<input type="checkbox"/>
<i>Visit Ark City</i>	Liz Shepard , Treasurer	<input type="checkbox"/>	Arty Hicks	<input type="checkbox"/>
<i>Equal Opportunity</i>	Tammy Lanman-Henderson	<input checked="" type="checkbox"/>	Anita Judd-Jenkins	<input checked="" type="checkbox"/>
<i>NWCC</i>	Gary Hale , Volunteer Coordinator	<input checked="" type="checkbox"/>	Felipe Escalante	<input type="checkbox"/>
<i>At-Large Member</i>	Debbie Savala , CDEM Coordinator	<input checked="" type="checkbox"/>	Melissa Mendez	<input type="checkbox"/>
<i>Outdoor Market</i>	Kelly Dillner , Market Coordinator	<input checked="" type="checkbox"/>		
	<u>Non-Voting Committee Advisors</u>			
	Jill Hunter , Fiscal Agent	<input checked="" type="checkbox"/>	Andrew Lawson , Secretary	<input checked="" type="checkbox"/>

Special guest was **Daniel Vildasol**, PIO with the City-Cowley County Health Department.

1. NEW BUSINESS: V.J. Wilkins Foundation Late Application for 2022 Grant Funding

Andrew presented an email response from the Wilkins Foundation, dated **December 17, 2021**.

The Foundation inquired about sponsorship levels for **2022** and how any grant funding from them would be recognized. Specifically, Andrew said, they appear to want lead donor billing.

Charles said a trustee appeared amenable to funding the event again, but the email puzzled him.

Andrew requested help drafting a response to the Foundation. The overall sentiment of the Committee was to apologize for any confusion or omissions regarding the 2020/2021 grant.

The committee also unanimously agreed to recognize the Foundation as the **2022 Presenting Sponsor** if they will fund Tacolalah at the **\$2,500** level again. Sponsorship levels will be adjusted.

Andrew said this meeting takes the place of the planned **January 6** meeting, so it will be canceled.

2. Adjourned at 10:49 a.m. Motion: **Gary Hale** Second: **Candace Hendricks** Vote: **6-0**

NEXT MEETING: NOON THURSDAY, JANUARY 20, 2022 @ 400 W. MADISON