

Chapter 23 -- Personnel

23.005. Definitions.

1. Probationary Employee - A newly hired employee who has not completed the required probationary period.
2. Part Time Temporary Employee - An employee who is hired temporarily to work less than 32 hours per week, or is a seasonal employee.
3. Part Time Permanent Employee - An employee who is permanently hired to work less than 32 hours per week.
4. Full Time Temporary Employee - A full time employee who will eventually be returned to a part time status, or a seasonal employee, or an employee hired for a pre-determined period of time.
5. Full Time Permanent Employee - An employee who has successfully completed the probationary period and is employed to work at least 32 hours per week on a permanent basis.
6. Regular Employee -An employee who is paid an hourly wage and is not a law enforcement employee.
7. Law Enforcement Employee -An employee who is paid an hourly wage, is employed as a commissioned police officer, and who is Peace Officer Standard and Training Commission certified.
8. Hourly Wage -An amount determined at time of employment and set by city ordinance for each hour of work completed by an employee.
9. Salary Wage -A fixed regular payment determined at time of employment and set by city ordinance for each pay period.
10. Employee -For purposes of this section an employee is defined as any person paid an hourly or salary wage by the City, excluding elected officials,

23.010. Probationary period. Each newly hired employee must serve a probationary period of up to six months before his appointment or promotion shall be considered permanent. During the employee's probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his department head or other appropriate city officials. If the probationary employee fails to meet required standards of performance, he is to be dismissed, or if he is a promoted employee, he may be restored to the position from which he was promoted or to a comparable position. During the probationary period, the employee is not eligible for employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will be paid to probationary employees.

23.020. Same, discharge. If at any time during the probationary period, the department head determines that the services of a city employee have been unsatisfactory, the employee may be separated from his position without the right of appeal

or a hearing.

23.040. Same, termination of probationary period. At the end of each employee's probationary period the department head of the employee shall complete a probationary report and notify the mayor in writing that either (a) the employee has successfully completed his probationary period and is capable of performing the duties of the position satisfactorily, and is henceforth to be considered a permanent employee with all rights and privileges due him; or (b) the employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from city government, or if promoted from another position returned to the previous or a similar position.

23.045. Drug & Alcohol Testing Policy & Procedures

SECTION A

IN GENERAL

1. Purpose and Scope

The overall goal of this policy and drug/alcohol testing is to ensure an alcohol and drug-free work place, to reduce accidents and injuries and to comply with relevant federally mandated drug and alcohol testing.

2. General Policy

The City of Moscow Mills recognizes that the state of an employee's physical condition affects his job performance, availability, his ability to perform certain types of work, and may affect his opportunities for continued employment or advancement. The City also recognizes that drug and alcohol abuse ranks as a major health problem which affects an individual's physical condition and causes untold trauma and expense, not only to the employee, but also ultimately to the City as employer.

It shall be the general policy of the City to prohibit the possession, manufacture, sale, transference, use or ingestion of nonprescribed controlled substances or the use or ingestion of alcohol or the unauthorized possession, sale or transference of alcohol on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Moscow Mills in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work.

Employees of the City of Moscow Mills are expected to fully comply with this policy and be free from the use of illegal drugs and to abstain from alcohol use as provided by this policy.

This policy applies to Job Applicants, Probationary Employees, Full, Part-time and Temporary Employees of the City.

3. Definitions-As used in this policy, the listed terms shall have the following meaning:

"Alcohol." The intoxicating agent in beverages including alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

"Alcohol Use." means the consumption of a beverage, mixture, or preparation, including any medication, containing alcohol.

"Applicant." Any individual selected through a direct hire process who is not currently in the City's employ and as a condition of employment must meet the applicable conditions of this policy prior to employment.

"City Premises." Any and all property, facilities, land, structures, and vehicles owned, leased, used or under the control of the City.

"Collection Site." A place designated by the City where employees present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of drugs/alcohol.

"Drug." Any non-food substance, other than alcohol or such over-the-counter pain relievers as aspirin or cold remedies, capable of altering the mood, perception, pain tolerance, sobriety or judgement of the person consuming it.

"Illegal/Unauthorized Drug." Any drug which is not legally obtainable, any drug which is legally obtainable but has been illegally obtained and/or is not being used for its prescribed purpose or in the prescribed manner.

"Legal Drug." Any prescribed drug or over-the-counter drug which has been legally obtained and is being used for the purpose of which it was prescribed or manufactured.

"Medical Review Officer." A licensed physician responsible for receiving laboratory results generated by this policy, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results together with an Employee's history and any other relevant biomedical information.

"Possession." Actual or constructive care, custody, control or immediate access to.

"Positive test" and "Under the Influence." The following initial and confirmation cutoff levels shall be used to determine whether the specimen/sample is positive or an individual is under the influence of the following substances:

INITIAL AND CONFIRMATION TESTING LEVELS
CONTROLLED SUBSTANCES

DRUG	NG/ML	
	EMIT Test	GC/MS Test
Amphetamines	1,000	500
Cocaine	300	150
Opiates	300	150
THC (Marijuana Cannabinoids)	50	15
Phencyclidine (PCP)	25	25

ALCOHOL: 0.02% blood alcohol content or greater requires confirmation test.

0.02% - 0.039% blood alcohol content requires removal from safety sensitive duties for 24 hours.

0.04% Blood alcohol content or greater requires removal from safety sensitive duties until evaluation and re-release by SAP.

"Reasonable Cause." Whenever a department head has reason to believe the appearance and/or conduct of an Employee are indicative of the use of alcohol, drug(s) or both.

"Substance Abuse Professional (SAP)." A licensed physician (M.D. or D.O.) or a licensed psychologist, social worker, employee assistance professional or an addiction counselor (certified by NHADACCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

SECTION B

PROHIBITED CONDUCT

1. Use, possession or being under the influence of any illegal/unauthorized drug, while on the City's premises or during working time or during a meal break when an Employee is expected to return to work is strictly prohibited.
 - a. An Employee may use and possess a legal drug while on the City's premises or during working time, provided the employee uses the drug in accordance with a physician's or the package instructions, does not distribute the drug to another, and the Employee has reported the use of the legal drug to his/her immediate department head before beginning his/her work shift. The City reserves the right to have a physician of its choice determine whether an employee can safely perform their job while using or being under the influence of any legal drug so reported. In addition, the City reserves the right to restrict such Employee's work activity or presence on the City premises. When ever an employee has reported the use of a legal drug to their immediate department head, that department head shall report this information to the Employee health Nurse or Occupational Health Specialist.
2. Use, possession or ingestion of alcohol during working hours, including lunch hours or while on City premises when associated with working hours, is strictly prohibited. However, the possession of alcoholic beverages by employees whose job assignment includes the buying, selling distributing, dispensing or transferring the beverage is exclude, as is the use of alcohol contained in solvent, cleaners and other chemicals for the purpose for which they were manufactured.
3. It is a violation of this policy for Employees to report to work, or to enter onto the City premises while being in a condition impaired for work due to effects, symptoms or side effects of alcohol and/or illegal or unauthorized drugs.
4. Failure to submit to any drug/alcohol testing required under this policy, including but not limited to failure to report in a timely manner to a collection site, sign any required consent form or otherwise fully cooperate in the collection of any breath/urine specimen, is also strictly prohibited. If any employee refuses to be tested, the refusal shall be treated as a positive test and the employee shall be subject to disciplinary action.
5. Conviction Reporting. In order that the City shall comply with all state or federal statutes or rules requiring the City to provide a drug-free workplace, any employee who is convicted of conduct in the workplace violating a criminal drug statute shall

notify his department head of the conviction within five calendar days after the conviction. Failure to report such convictions is a violation of this policy.

SECTION C

EMPLOYEE ASSISTANCE PROGRAM

1. The Program-The City shall maintain a contract Employee Assistance Program which will provide counseling or referral for drug and alcohol abuse. Accumulated leave or leave without pay may be granted for treatment, counseling or rehabilitation under applicable ordinance provisions. It will be the employee's responsibility to comply with City request for referral and diagnosis and to cooperate fully with any prescribed therapy.

Rehabilitation is the responsibility of the Employee. In cases of mandatory referral to the Employee Assistance Program as part of a disciplinary disposition or in compliance with a federal rule, the City shall require the counseling agency to report to the City: (1) that the Employee is attending the mandated counseling; (2) that the Employee is arriving on time to his scheduled appointments and is cooperating with his counselor; (3) that the Employee has completed his counseling or therapy and is released by the counseling provider; and (4) if any medical leave is required.

2. Self Help-In applying this Drug and Alcohol Policy where prior to any drug or alcohol testing or the occurrence of an event giving rise to a reasonable suspicion of current Drug or Alcohol use an Employee seeks help to refrain from drug or alcohol use, either by inquiry to the City or entering a counseling or rehabilitation program, the City will assist the Employee in locating and attending a suitable program and exercise care to maintain the confidentiality of the inquiry and program participation.
 - a. No employee shall have his or her job security jeopardized solely because he or she has made a voluntary request for diagnosis and appropriate therapy for alcoholism or drug dependency. However, the City of Moscow Mills is concerned by those situations where use of alcohol or other drugs affects an employee's job performance, causes a potential safety problem or is detrimental to the City's business, and will take those actions that are required for the good of the City as a whole. Self-referral to a treatment program may not be used as a protection from supervisory actions taken as a result of job performance deficiencies.
 - b. The City may also grant the Employee an appropriate leave of absence (generally not to exceed twelve weeks) or other reasonable accommodation so the Employee can undergo a mutually agreed upon rehabilitation program. To the extent permitted by law, any leave or other accommodation granted pursuant to this policy will, absent extenuating circumstances as determined by the City, be granted only once.

SECTION D

DRUGS AND ALCOHOL TESTING

- A. All City employees shall be subject to the following drug or alcohol tests:
 - a. Pre-Employment Test. The City of Moscow Mills will test job applicants for

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current drug and alcohol use, but only after a conditional offer of employment has been made.

- b. Random testing. City of Moscow Mills employees must participate in random drug and alcohol test pools.
 - c. Reasonable Suspicion Testing. Whenever a City Department head has reason to believe a subordinate is under the influence of drugs or alcohol the department head may require the subordinate to undergo drug and/or alcohol testing. The department head determining reasonable suspicion shall not supervise or participate in testing in testing procedures.
 - 1.1. Reasonable suspicions shall be grounded upon observable facts relating to the appearance or odor of the employee, the motor skills or speech of the employee, the physical inability of the employee to do their job assignments, or the facts surrounding an accident involving an employee in the performance of a job assignment.
 - d. Post accident. City of Moscow Mills employees will be given drug tests within 32 hours and alcohol tests within 2 hours of an accident.
 - e. Return to work. Before returning to duty after being excluded because of drug or alcohol use, an employee must take and pass drug and/or alcohol tests.
 - f. Follow-up Testing. Whenever an employee has sought self help or has been mandatorily referred to a drug and/or alcohol rehabilitation program and has completed the program, the Employee Health Nurse or City's Medical Advisor or SAP may require the employee to participate in follow-up drug and/or alcohol testing. The extent and duration of the testing shall be determined by the City's Medical Advisor or a substance abuse professional if required.
2. Testing Procedure. Drug and alcohol testing procedures shall conform to those required by federal regulations governing the drug and alcohol testing mandated by the Department of Transportation (49 CFR 42). All drug tests shall be done by a National Institute on Drug Abuse (NIDA) certified laboratory.
- a. Specimen Collection. The Personnel Department will instruct job applicants to report to the testing site. Employees will be instructed by the Department Head where and when to report for drug and/or alcohol testing. In cases of reasonable cause, the Employee will be transported to a medical facility or the City will request a breath test at the work site.

The procedures for collecting urine specimens will be designed to ensure the integrity and identity of the urine specimen that is produced. The employee is required to furnish proper identification at the time of testing in the form of a driver's license or state identification card. The procedure will also allow for individual privacy unless, in the determination of the City, the collector, or the MRO there is reason to believe that an Employee may alter or substitute the specimen. Breath alcohol testing will follow Federal Procedures to ensure accuracy, reliability and confidentiality.

If testing under this policy is ever required of an Employee who is in need of

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medical attention, necessary medical attention will not be delayed in order to collect the test specimen. However, such an Employee shall promptly, upon request from the City, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

- b. Testing. Drug testing will be performed on urine samples. The initial test will be done by the enzyme immunochemical assay method. All specimens identified as a positive test on the initial test will be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. A specimen will be treated as negative if the result of the initial test or the confirmatory test is negative.
 - 1.1 All urine samples will be split samples so that if the original specimen test is positive the Employee may request the retained sample be tested. This request must be received by the MRO in writing within 72 hours of Employee's notice of a positive result. The split sample will be tested at a different Certified Laboratory at the employee's expense. If the split sample tests negative, the test will be determined to be negative. Employees governed by FAA rules have sixty days to request a test of the split sample.
 - 2.2 Alcohol Testing. Alcohol use will be tested by using Evidential Breath Testing Devices (EBT). Breath Alcohol testing requires the individual to provide a breath sample. Should the initial breath sample have a result of 0.02% blood alcohol content or greater, a confirmation test will be conducted within one (1) hour.
- c. Refusal to Test. If an Employee refuses to be tested or alters or attempts to alter the test sample such actions shall be treated as a positive test in addition to being a violation of this policy.

3. TEST RESULTS

- a. Drug Tests. The Medical Review Officer will review drug test results with the Employee before they are reported to the City. The Medical review Officer will report to the City whether an Employee's drug test was positive or negative. If positive, the substances for which the test was positive will be identified. The Medical Review Officer may advise the City of a positive test result without having communicated with the tested Employee about the test results of the Employee expressly declines the opportunity to discuss the results of the test or the Employee cannot be reached after reasonable effort by the Medical Review Officer.

If the Medical Review Officer determines there is a legitimate medical explanation for the positive test result, the Medical Review Officer will report the test results to the City as negative.

- b. Alcohol Tests. If an alcohol breath test results in a reading of 0.02% - 0.039% blood alcohol content, the individual shall not return to duty but shall be taken off duty and not returned to work for at least eight (8) hours. If an alcohol breath test results in a reading of 0.04% blood alcohol content or greater, in

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addition to the above, the Employee must meet with a substance abuse professional. The substance abuse professional will determine when the Employee may return to work.

- c. Confidentiality. The results of any positive test shall be kept confidential from the general City work force and public. The results may be known to the Employee Health Nurse or Occupational Health Specialist, the City's Medical Advisor, the test facility, the Medical Review Officer and Substance Abuse Professional and those Department Heads necessary, and the Employee. The City may use the results to determine the appropriate response to Employee drug and/or alcohol use and to support its disciplinary or other actions or to defend the City in a Court or Administrative hearing.

The Medical Review Officer, Substance Abuse Professional and the City shall not release the individual test result of any Employee to any unauthorized party without first obtaining written authorization from the tested individual.

4. ACTIONS TAKEN IN RESPONSE TO TEST RESULTS

- a. An Employee who refuses to be tested will be treated as having had a positive test. Failure to report to a collection site on a timely basis, sign any required consent form or otherwise fail to fully cooperate with the testing procedure shall be treated as a refusal to be tested. Employees refusing to be tested shall be subject to disciplinary action up to and including dismissal.
- b. An Employee whose drug test result is reported to the City as positive for controlled substances shall be subject to disciplinary action up to and including dismissal.
- c. An Employee whose breath test results in a reading of 0.20% - 0.039% blood alcohol content shall be removed from duty and not returned to work for at least eight (8) hours, and must have undergone a return to work breath alcohol test with a negative result. And all hours not worked shall be recorded as lost time. An Employee who has a continuing pattern of breath test results between 0.02% - 0.039% blood alcohol content shall be referred to a Substance Abuse Professional for evaluation and may be subject to disciplinary actions up to and including dismissal.
- d. An Employee whose breath test results in a reading of 0.04% blood alcohol content or greater shall be removed from duty and all hours not worked shall be recorded as lost time. Additionally, the Employee shall be referred to a substance abuse professional for evaluation and may be subject to disciplinary action up to and including dismissal.
- e. An Employee whose drug test result is reported to the City as positive or whose breath test result is 0.04% blood alcohol content or greater and who has previously had positive drug tests or previous breath tests with a result greater than 0.04% blood alcohol content or who has previously been referred to a rehabilitation program under the self help provisions of these rules shall be subject to disciplinary action up to and including dismissal.
- f. Failure to immediately begin an approved rehabilitation program, successfully

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complete the program and/or participate in required or recommended after-care may result in disciplinary action up to and including dismissal.

- g. Post Rehabilitation. An Employee who tests positive for illegal drugs/alcohol use cannot return to work until he/she meets all of the following conditions:
 - 1.1. Successfully completes a City approved rehabilitation program.
 - 2.2. No further use of controlled substances as indicated by a negative drug/alcohol test result at the time of release.
 - 3.3. Obtains a full, written release and recommendation to return to duty from the treatment facility doctor and/or counselor.
 - 4.4. Continues to participate in any program of aftercare required by the rehabilitation facility doctor and/or counselor.
 - 5.5. Agrees to be subject to post-rehabilitation unannounced follow-up testing as determined by the Substance Abuse Professional after consultation with the City, for 24 months after reinstatement.

SECTION E

EMPLOYEES SUBJECT TO ADDITIONAL REQUIREMENTS

- 1. In addition to the City's general drug and alcohol policy, every City employee who performs job duties requiring a Commercial Driver's License (except City transit employees) shall be subject to the rules of the Federal Highway Administration governing drug and alcohol testing (49 CFR 382). A summary of those rules follows.
 - a. Beginning January 1, 1996, Employees required to have a CDL for their job are subject to the following prohibitions:
 - 1.1 No driver shall report to duty or remain on duty with a blood alcohol concentration of 0.04% or greater.
 - 2.2. No driver shall possess or use alcohol, including any medication with an alcohol component, while on duty.
 - 3.3. No driver shall be allowed to drive within eight hours of using alcohol.
 - 4.4. A driver involved in an accident which requires an alcohol test may not use any alcohol until after the test is completed or eight hours has elapsed.
 - 5.5. No driver shall refuse to submit to any required drug or alcohol test.
 - 6.6. No driver shall report for duty or remain on duty when using any drugs except those a physician has advised that the driver may use which will not adversely affect the driver's performance.
 - b. Drivers are subject to the following drug and or alcohol tests:

- 1.1. Pre-employment testing for drugs and alcohol.
 - 2.2. Post-accident testing. Drivers will be given drug tests within 32 hours and alcohol tests within two hours of an accident involving the following: when a vehicle is required to be towed away from the scene, when there is an injury requiring treatment away from the scene, when the driver is cited by the police, or when there is a death of a person.
 - 3.3. Random testing. Drivers must participate in random drug and alcohol test pools. The random test rate of the alcohol pool shall be at least 25% of the drivers annually and for the drug pool shall be at least 50% of the drivers annually.
 - 4.4. Reasonable suspicion testing. Drivers are subject to drug and/or alcohol testing at any time when based upon reasonable suspicion.
 - 5.5. Return to duty testing. Before returning to duty after being excluded because of drug or alcohol use, a driver must take and pass drug and/or alcohol tests.
 - 6.6. Follow-up Testing. A driver referred to a Substance Abuse Professional and subject to assistance or rehabilitation for drug or alcohol use shall be subject to such follow-up testing as directed by a substance abuse professional.
 - 7.7. Refusal to test shall be treated as a positive test and the driver will be removed from his or her safety sensitive duties. Drivers must be readily available for testing immediately before, during or just after performing their duties.
- c. Department heads have the following specific duties:
- 1.1. Department heads must produce drivers for post accident drug testing within 32 hours and alcohol testing within two hours of the accident or explain in writing why the driver was not produced. The driver may be given necessary medical treatment and if such treatment prevents normal drug or alcohol testing, the department head shall immediately inform the City employee health nurse.
 - 2.2. Whenever drug or alcohol tests are required under these rules, department heads must produce the driver for these tests, and when current impairment is reasonably suspected, the department head shall not allow the employee to drive.
 - 3.3. Observations supporting a department head's reasonable suspicion of drug or alcohol use must be made just before, during or just after the employee performs safety sensitive work. These observations must be reduced to writing within 24 hours of the observation.
 - 4.4. Whenever drug or alcohol tests are required by these rules and the

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employee is not tested within eight hours of notice of the need to test, the department head shall explain in writing why the test or tests were not performed.

- d. Beside the penalties set out by the City for violations of these rules, Federal rule violations have the following consequences:
 - 1.1. No driver may drive if they have used a controlled substance, and no driver may drive within eight hours of using alcohol or at any time when an alcohol test indicates an alcohol concentration of 0.04% or greater.
 - 2.2. A driver violating these rules may not return to work until evaluated and released by a Substance Abuse professional, and subsequently tested for alcohol and drugs with negative results.
 - 3.3. A driver tested with an alcohol concentration greater than 0.02% and less than 0.04% may not drive or perform other safety sensitive functions for 24 hours after the test.
 - 4.4. Federal Civil penalties for breach of the Federal rules range between \$1,000 to \$10,000 for each offense. Federal criminal penalties for violations of the Federal rules range between \$1 and \$25,000 for each offense or up to 1 year imprisonment for each offense.
2. Rule Conflict. Whenever a Federal rule conflicts with a general City rule, the Federal rule shall control.

SECTION F

EMPLOYEE DRUG/ALCOHOL EDUCATION

1. Each Employee shall be given educational materials that explain both the City and Federal rules and policies. CDL drivers will receive this information before the implementation of the drug and alcohol testing program begins. All new Employees shall receive this information upon hiring. Employees receiving this information shall sign a statement certifying they have received this information and this receipt shall be retained by the Personnel Department.
2. Employee Drug and Alcohol Educational materials shall have at least the following content:
 - a. The identity of the persons designated to answer Employee questions about the City's rules and testing programs.
 - b. Information explaining the effects of alcohol and drugs on health, work and personal life, the symptoms of alcohol or drug problems and available methods of intervention including confrontation, referral to EAP and discipline.
 - c. Information explaining when CDL drivers are subject to Federal Drug and Alcohol testing rules.
 - d. Explanations of Employer conduct which is prohibited by these rules and the

circumstances under which an Employee will be tested.

- e. The drug and alcohol procedures.
 - f. An explanation of when testing is required by Federal rules and when it is required only by City rules.
 - g. An explanation of what constitutes a refusal to test.
 - h. An explanation of the consequences of violations of these rules.
 - i. An explanation of the consequences of having an alcohol concentration greater than 0.02% but less than 0.04%.
3. Department heads shall receive, in addition to the general employee information, at least 60 minutes of training in alcohol misuse and at least 60 minutes of training in drug use. The training shall cover physical, behavioral, speech and performance indicators of drug use and alcohol use and may also cover the physiologic and psychological aspect of addiction, how to detect and document early deterioration of job performance, the issues of drug testing and prevention and educational strategies, including how to implement them.

SECTION G

PENALTIES

1. **Penalties.** If an Employee violates any provision of the City Drug and Alcohol policy or rules or the applicable Federal Drug and Alcohol rules or fails to do anything required under the Policy or these Rules, the Employee may be subject to disciplinary action up to and including discharge and/or may be required as a condition of continued employment to attend a drug and/or alcohol rehabilitation program approved by the City on the Employee's time and at the Employee's expense.

23.050. Promotion. Promotions to all positions shall be solely on the basis of merit, which shall be determined by the department head's evaluation of the applicant's:

- 1. training, education, experience and physical fitness
- 2. oral interview, and
- 3. whenever practical, an examination or demonstration test.

23.060. Age. The minimum age for employment as a probationary employee shall be eighteen years of age, unless the board shall in writing waive the requirement. The minimum age for employment of seasonal employees shall be sixteen years of age.

23.070. Residence. Employees of the city need not reside within the city, but are urged to do so.

23.080. Promotion policies. All vacancies occurring in the service of the city shall, whenever possible, be filled by promotion of a qualified employee within the city service. However, the supervisor may recruit applicants from outside the city service whenever he has reason to believe that better qualified applicants are available than within the city service. Promotion within the city service shall be based on the qualifications and seniority of the person being appointed. Usually, the first consideration in filling of vacancies will be given to the most qualified senior applicant in the department in which the vacancy

exists. Next, consideration will be given to the most qualified senior applicant from outside the department. If no acceptable applicant is found within the city service, the vacancy will be filled from outside the city service. The criteria used in the selection of the most qualified senior applicant shall be based upon experience, performance, evaluation and, where feasible, examination.

23.090. Relatives in the city service. Two members of an immediate family shall not be employed under the same department head; neither shall two members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle, and aunt.

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

23.110. Same, individual activities. In an effort to protect the citizens of Moscow Mills from the abuse of authority, no city employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office during working hours. In addition, employees of the police department shall not actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office while in uniform or in a police vehicle whether on or off duty.

23.120. Same, penalty. Failure to comply with the requirements of sections 23.100 and 23.110 shall be grounds for immediate dismissal. Any person who attempts to coerce or does coerce any city employee to take part in activity prohibited by sections 23.100 and 23.110 may be punished as provided in chapter 13 of this code.

23.125. Records. Employees who create records of the city (as the same is defined in Chapter 22, Subchapter C) are required to place the records in the custody of the city. Any employee who fails to turn over such records to the city clerk upon demand may be subject to immediate discharge. An employee, upon leaving the service of the city, who retains such records, is guilty of a misdemeanor and may be prosecuted in the municipal court.

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

23.140. Conduct, work habits, attitude. It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for

the city. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, department heads should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

23.150. Discipline policy. It shall be the duty of all city employees to comply with and to assist in carrying into effect the provisions of the city's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

1. Employee's and Department Head's responsibilities:
 - A. It is the duty of every employee to attempt to correct any faults in his performance when called to his attention and to make every effort to avoid conflict with the city's rules and regulations.
 - B. It is the duty of every department head to discuss and document improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline may be, whenever possible, of an increasingly progressive nature, the step of progression being (a) warning, (b) demotion, c) suspension, and (d) removal -- however, it is not necessary to follow this progression prior to removal of an employee.
2. Grounds for action: The following are declared to be grounds for demotion, suspension, or removal of any permanent employees:
 - A. Conviction of a felony or other crime involving moral turpitude
 - B. Acts of incompetency
 - C. Absence without leave
 - D. Acts of insubordination
 - E. Intentional failure or refusal to carry out instructions
 - F. Misappropriation, destruction, theft, or conversion of city property
 - G. Employee subsequently becomes physically or mentally unfit for the performance of his duties.
 - H. Acts of misconduct while on duty
 - I. Willful disregard of orders

- J. Habitual tardiness and/or absenteeism
 - K. Falsification of any information required by the city
 - L. Failure to properly report accidents or personal injuries
 - M. Neglect or carelessness resulting in damage to city property or equipment.
 - N. Repeated convictions during employment on misdemeanor and/or traffic charges
 - O. Introduction, possession, or use on city property or in city equipment of intoxicating substances, or proceeding to or from work, or performing work for the city, under the influence of an intoxicating substance.
 - P. Use of city property for personal or non-city purposes
 - Q. Conducting outside employment or business during city working hours.
3. Employee Notice: A written notice, utilizing the City's approved form, shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such disciplinary action is taken and in any event not later than three working days from date of the action. A copy of notice signed by the employee in the employee's file shall serve as prima facie evidence of delivery.
4. Probationary employee. Any probationary employee may be suspended, reduced in pay or class, or removed at any time by his department head or the mayor. Probationary, temporary, seasonal, or part-time employees shall not have the right of appeal from such action.
5. Permanent employees. All permanent employees holding positions in the service of the city may be suspended for a period of not more than thirty working days, reduced in pay or class, or removed for just and reasonable cause by the employee's department head. Permanent employees shall be dismissed only after having been given written notice of the contemplated action.
6. Evidence. Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as soon as it is apparent. Based on this philosophy, sufficient evidence should be available in the employee's personnel file to justify the action taken.

7. Right of appeal. All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the mayor. The disciplinary action against the employee shall be stayed during the course of this appeal, unless the mayor orders its imposition in writing giving his reasons therefore.
8. Investigation. The mayor shall hear appeals submitted by any permanent employee in the city relative to any suspension, demotion, or dismissal and shall submit a written statement of facts, findings, and recommendations to the board of aldermen, whose actions shall be final and conclusive.
9. Appeal hearing open to public. The appeal hearing shall be open to the public at the discretion of the mayor, subject to all requirements of law.
10. Informal nature. The hearing shall be conducted in an informal nature and the mayor shall make every effort to avoid the appearance of conducting a trial in a court of law.
11. Scheduling of appeal. No later than ten (10) working days after receipt of the written appeal, the mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing the mayor shall report his findings and recommendations to the board of aldermen.
12. IF the mayor shall have ordered that disciplinary action against an employee shall not be stayed during an appeal, then the mayor shall appoint a member of the board of aldermen to hear the appeal. In such case the provisions of section 23.150(11) shall not apply, and the hearing shall be scheduled within 48 hours of the mayor's order imposing immediate disciplinary action. Should the hearing officer recommend to the board of aldermen that the disciplinary action not be imposed, and should this recommendation be accepted by the board of aldermen, then the city shall pay said employee the same as had been employed in the service of the city during the time in which the mayor's discipline order was in effect.
13. Right to representation. The appellant shall have the right to appear and be heard in person or by counsel.
14. Appellant fails to appear. Appellant's failure to attend the hearing, or to notify the hearing officer of his inability to attend the hearing, will constitute just cause of dismissal of the appeal and imposition of the disciplinary action.

23.160. Grievance policy. The most effective accomplishment of the work of the city requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the city to adjust the causes of grievances informally, and both

department heads and employees are expected to make every effort to resolve problems as they arise.

1. An employee may present his grievance, or have an employee committee selected by the employee present his grievance to his department head.
2. All grievances shall be submitted in writing to the city clerk who shall forward a copy thereof to the employee's department head for action.
3. If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance shall then be presented to the mayor.
4. The mayor shall convene a hearing within ten (10) days to consider the grievance. The employee, the department head and any other interested party shall have the right to be heard. All city employees shall be considered in the service of the city during the course of the grievance hearing, and each employee shall be paid at his regular hourly rate for that time spent in the hearing.
5. Following the hearing, the mayor shall within ten (10) days take whatever action is necessary, including, but not limited to, a recommendation to change the personnel rules and regulations or the work practices of the city, a finding that the grievance is unjustified, or any other appropriate recommendation. A report of the mayor's finding shall be presented to the board of aldermen.
6. No employee shall be disciplined or discriminated against in any way because of his proper use of the grievance procedure.
7. To the extent the provisions of this section conflict with section 23.150 of this code, the requirements of section 23.150 shall apply. The procedure outlined in section 23.150 shall be used if the alleged grievance is a disciplinary matter, although the mayor may treat a hearing under this section as a hearing for the purposes of section 23.150(7) provided that all employee rights have been respected.

23.165. Work Weeks, Work Periods, Pay Periods, Pay Dates.

1. Work Week -The standard work week for regular employees shall be five (5) days or a total of forty (40) hours within a seven day period starting on Monday and ending on Sunday.
2. Work Period -The standard work period for Law Enforcement employees shall be fourteen (14) days or a total of 80 hours as provided by 29CFR part 553.201 and shall start on Monday and end on Sunday.

3. Pay Periods -Pay periods shall include two standard work weeks for regular employees and one work period for law enforcement employees. All employee pay periods shall end on the same date.
4. Pay Dates -The pay date will be the Wednesday immediately following the end of the second work week for regular employees, and the Wednesday immediately following the end of the work period for law enforcement employees. All employees shall be paid on the same day. If the Wednesday payday falls on a legal banking holiday, the pay date will be the Thursday immediately following the holiday.

Salaried Full Time Permanent employees will be paid on the same dates as hourly employees, on a bi-weekly basis. The bi-weekly amount paid will be the annual salary amount divided by the number of bi-weekly payrolls in the current calendar year.

The Municipal Judges will be paid their full monthly salary on the first pay date of the month for regular employees.

The Aldermen and Mayor will be paid on the second Monday of each month. If the second Monday of the month falls on a legal banking holiday, the pay date will be the Tuesday immediately following the holiday. Any elected official sworn in during a given month will receive the pay for that full month.

23.168 Direct Deposit.

1. As of November 1, 2016, direct deposit is mandatory for all permanent City of Moscow Mills employees and all elected officials. All temporary employees are required to use direct deposit if their employment duration is anticipated to be greater than three months. This requirement may be waived on a per case basis by the Board of Aldermen.
2. An employee must complete a Direct Deposit Application form upon employment or if not currently enrolled and submit the application to the City Clerk for processing.
3. Direct deposit into a bank account will begin approximately 15 to 31 days after a properly completed application form is received.
4. Direct deposit will continue indefinitely for employees once enrolled. The City of Moscow Mills reserves the right in unusual circumstances to cancel an employee's enrollment in the program at any time.
5. If an employee needs to temporarily stop direct deposit (e.g., change of financial institutions, etc.) the employee shall take all reasonable steps to re-establish direct deposit within two pay cycles.
6. Use of direct deposit per the above policy for payroll is a condition of employment and continued employment with the City of Moscow Mills. Failure of an employee to take reasonable steps to comply with this policy shall be deemed misconduct and will lead to disciplinary action according to the City's discipline policy, which may include dismissal.

7. In the event an employee of the City of Moscow Mills leaves employment for any reason the employee's final check will be a printed check. Final checks will be provided to the employee's supervisor to give to the employee.

23.170. Overtime.

1. Department heads should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week.
 - A. The department head shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established work day, work week, or work period. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities.
 - B. When full time employees are required to work extra or prolonged shifts, the department head may authorize overtime pay which shall be one and one half times the employee's regular hourly wage.
 - C. No overtime shall be payable until the total number of hours in the work week or work period have been worked.
 - D. Vacation, Sick, Holiday, Compensatory time, Funeral leave, and Safety Days taken within a work week or work period will not be counted as time worked for the determination of overtime.
 - E. In the event a grant is awarded to the City that mandates payment of overtime pay, the 80 hour work period or 40 hour work week to determine overtime pay shall be waived.

23.172 Compensatory Time

1. All full-time hourly employees will receive one and one-half (1-1/2) times their base rate of pay for overtime hours worked, as defined in section 23.170, unless compensatory time is agreed upon in advance.
2. Any full-time employee wishing to participate in the compensatory time policy for a pay period must submit this request in writing to their Department Supervisor. A notation on their time card will satisfy this requirement. Upon approval by the Department Supervisor, a copy of this request shall be forwarded to the City Clerk for payroll processing. Department Supervisors will grant compensatory time off in lieu of overtime unless the operations of the City would be unduly disrupted by the employee's absence from work.
3. Requests to receive compensatory time off in lieu of overtime are only effective for one pay period. Each pay period that compensatory time is requested will require a new request in writing.
4. Salaried Employees – Overtime and compensatory time do not apply to salaried employees. These management and administrative employees are required to work the number of hours necessary to insure that their jobs are completed in a proper and timely manner. It is recognized that salaried employees must devote a great deal of time outside the normal office hours to the business of the City of

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Moscow Mills. To that end, the salaried employees will be allowed to take time off as they shall deem appropriate during said normal office hours with the prior approval of the Mayor.

5. On occasion, when irregular and unscheduled overtime work for hourly employees is required, compensatory time off may be allowed on the basis of equal time for overtime worked within the work week or work period. If outside the work week or work period, hourly employees may receive compensatory time that shall be recorded at one and one-half (1-1/2) times the time worked.
6. Employees cannot receive both compensatory time and overtime as compensation for the same excess hours worked.
7. Full-time employees participating in the compensatory time policy shall not be allowed to accumulate more than 80 hours of compensatory time in reserve at any given time. Any overtime hours worked beyond the compensatory time limit will be compensated at the overtime rate of pay. Once the hours accumulated fall below the allowable limit, the employee will automatically return to accumulating compensatory time for overtime hours worked.
8. Use of accumulated compensatory time must be submitted in writing to the Department Supervisor for approval before time off is taken. Any approved use of compensatory time shall be submitted by the Department Supervisor to the City Clerk for payroll processing with the time cards for that pay period.
9. Accumulated compensatory time will be paid to any employee upon separation of employment for any reason.
10. On an employee's anniversary date of employment, accumulated compensatory time shall be paid to an employee that requests this payment in writing to the Department Supervisor. The Department Supervisor shall forward this request to the City Clerk for processing with the next regular pay period. If the employee does not request payment of accumulated compensatory time hours within one (1) week of their anniversary date, the hours will automatically be carried forward.
11. Compensatory time off will not be counted as hours worked during a work week or work period for purposes of overtime compensation.

23.175 Emergency Call-Outs and On-Call Status.

1. Any employee called in during unscheduled work hours shall receive a minimum of two (2) hours overtime pay unless it is a direct extension of normally scheduled working hours. The appropriate department head will be responsible for noting the minimum two (2) hours to be paid on the employee's time card for payroll processing.
2. Police officers, informed by their Department Director, that they are on call for Court shall receive two (2) hours of pay for the night of Court, unless assigned a Department Nextel, in which case, the employee is not restricted and the compensation will not apply. The Department Director will be responsible for

noting the minimum two (2) hours to be paid on the employee's time card for payroll processing.

23.178 Emergency recall policy.

1. The following policy is hereby established for the emergency recall for additional manpower within all departments of the City. This policy shall not countermand any public safety policies of the Police but shall act in conjunction with said policies in times of greater need. The purpose of this policy is to provide for additional manpower resources. This policy shall take effect in anticipation of a disaster or at the time of a disastrous event or directly thereafter. It may also encompass any other unusual occurrence or event.
2. It is the duty of all employees, as public servants, to report for duty and/or respond for service when notified to report for the public's welfare. Notification and recall may take place in the form of a telephone call, individual contact by a City employee, a law enforcement officer or agency, and/or by radio announcement. Employees called out under these circumstances shall receive a minimum of two (2) hours compensation. The appropriate department head will be responsible for noting the minimum two (2) hours to be paid on the employee's time card for payroll processing.
3. All personnel recalled to report for duty shall report to their respective work stations. They are to report in and request further instructions of a supervisor, should one be present. Otherwise, standby until one arrives. In the event of exigent circumstances, the employee shall take the appropriate action, and inform the supervisor of the assessed situation upon his or her arrival.

23.180. Holidays. All permanent and probationary employees of the city shall receive normal compensation for the eleven legal holidays listed below and any other days or part of a day during which the public offices of the city shall be closed by special proclamation of the mayor with approval of the board. All part-time employees shall receive compensation in proportion to the average number of hours normally scheduled to work.

Legal holidays to be observed are:

New Year's Day	-	January 1
Martin Luther King Day	-	Third Monday in January
Washington's Birthday	-	Third Monday in February
Memorial Day	-	Last Monday in May
Independence Day	-	July 4
Labor Day	-	First Monday in September
Columbus Day	-	Second Monday in October
Veteran's Day	-	November 11
Thanksgiving Day	-	Fourth Thursday in November
Day after Thanksgiving	-	Friday after fourth Thursday in November
Christmas Day	-	December 25

It shall be the policy of the city to ensure that all employees enjoy the same number of holidays each year.

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1. An employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.
2. Any employee in the city service who shall be required to perform work or render services on a regularly scheduled holiday shall receive an equal amount of hours off at his regular pay rate in lieu of the holiday missed within 30 days, or at the option of the department head he may be compensated at the city's approved overtime rate for his service on the regularly scheduled holiday.
3. Any holiday listed in this section that falls on Saturday will be observed on Friday. Any holiday listed in this section that falls on Sunday will be observed on Monday.
5. The holidays listed in this section will be compensated on an 8 hour basis.

23.190. Vacation allowance. Every employee in the City's service holding a permanent status position and having occupied such position for a period of one year from the anniversary date of his employment shall be allowed annual vacation leave with pay. Said anniversary date shall be the date that the employee begins to work for the City of Moscow Mills, Missouri. Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty week to which the employee is assigned at the time of his vacation. Failure to work a full year shall disqualify said employee from vacation entitlement. No vacation rights shall be accrued for employment less than a full calendar year. Vacation, if not taken, may be paid for on anniversary date of employment.

Annual vacation leave shall be as follows:

One (1) year of service = 40 hours of vacation
Two (2) years of service = 80 hours of vacation
Three (3) years of service = 88 hours of vacation
Four (4) years of service = 96 hours of vacation
Five (5) years of service = 104 hours of vacation
Six (6) years of service = 112 hours of vacation
Seven (7) to Nineteen (19) years of service = 120 hours of vacation
Twenty (20) or more years of service = 160 hours of vacation

1. Vacation leave shall be taken during the year following its accumulation.
2. Up to forty hours of vacation leave credit may be carried over from one year to the next. The employee requesting this credit to be carried over shall notify the City Clerk in writing prior to their anniversary date.
3. Records of vacation leave allowance in use shall be kept by the persons responsible for the employee's payroll payment.

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Vacation leave scheduled shall be in regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the request of the employees.

4. When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of vacation shall be granted.
5. No two employees shall be allowed vacation leave at the same time, if both are employed under the same department head.
6. All vacations must be scheduled at least two (2) weeks in advance of the first day of vacation leave.
7. Accumulated vacation will be paid at the time of termination.

23.195. Medical/Dental/Life Insurance Benefits - Every full time permanent employee will receive medical/dental/life insurance benefits through the City's medical/dental/life insurance policies as provided below:

1. Seasonal, Part Time, and Temporary employees are not eligible.
2. The employee must be at least 18 years of age to participate as stated in Section 23.060.
3. Probationary employees hired to eventually become permanent full time employees will begin medical/dental/life insurance coverage on the 1st day of the month following the completion of 30 days of employment.
4. The City of Moscow Mills will contribute up to \$605.00 per month toward each employees total medical/dental/Life insurance premium. This contribution only applies to the City's group policies for medical/dental/life insurance policies. If the employee elects to opt out of this coverage the \$605.00 contribution is forfeited.
5. The employee will contribute any remaining balance of his medical/dental insurance premium in the form of a payroll deduction taken from the first check of the month.
6. Family coverage will be available for each employee. The City will apply any remainder left of the \$605.00 per employee contribution toward the family coverage.
7. The City may take bids each year upon renewal of policy, or every 3 years as required by 67.150RsMo. at which time insurance company may change.
8. Upon termination or resignation the employee's coverage will only continue until the end of that month through the City. The Federal Cobra Laws will apply after the end of that month.
9. The City will continue to make the contributions stated in Section 23.195 #4 and/or #6 while a permanent employee is on extended personal leave without pay for a period of three full calendar months following the start of extended personal leave without pay.

23.198. AFLAC - Under the City's Flex One Premium Only Cafeteria Plan every full time permanent employee and elected official will be given the opportunity to receive AFLAC insurance benefits as provided below:

1. Only full time permanent employees and elected officials are eligible. Seasonal, Probationary, Part Time, and Temporary employees are not eligible.
2. The participants must be at least 18 years of age to participate as stated in Section 23.060.
3. Probationary employees changing to a permanent full time status can begin AFLAC insurance coverage on the 1st day of the month following their appointment to permanent full time status. Elected officials can begin AFLAC insurance coverage on the 1st day of the month following the date of taking office.
4. The City of Moscow Mills will contribute any remaining amount referenced in section 23.195 #4 and #6 toward each employees AFLAC premium. The City will not contribute to the premium for elected officials participating in AFLAC.
5. The employee will contribute any remaining balance of his AFLAC premium in the form of a payroll deduction taken from the second payroll check of each month, which will cover the premium of that month. Elected officials will contribute their AFLAC premium in the form of a payroll deduction taken from their monthly payroll check, which will cover the premium of that month.
6. All AFLAC premium deductions will be deducted pre-tax, unless specifically requested by the employee or elected official.
7. Coverage choices under the Flex One Premium Only Cafeteria Plan are limited to: Short Term Disability, Medical, Cancer, Intensive Care, Accident, Hospital Indemnity, Vision Care, Dental, Group Term Life, Specified Health Event, and Personal Sickness Indemnity.
8. Upon separation of employment, or an elected official no longer holding office, the City will notify AFLAC to remove the participant from the City's AFLAC billing at the end of the month of separation. The participant will then be able to continue their AFLAC coverage directly with AFLAC.
9. The City will continue to make the contributions stated in Section 23.198 #4 and/or #6 while a permanent employee is on extended personal leave without pay for a period of three full calendar months following the start of extended personal leave without pay.

23.200. Military leave.

1. Military leave will be granted per RsMo. 105.270

23.210 Sick Leave

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1. All full time employees shall earn sick leave with full pay at the rate of 8 hours for each calendar month of service. Sick leave shall accrue from the date of employment.
2. New full time employees shall start accumulating sick leave on the date of hire but will not be eligible to take any sick leave until they have completed their probationary period. Anyone appointed/hired in the middle of a pay period will begin to accrue sick days on the 1st day of the next pay period.
3. Sick leave credits shall not be earned by employees during their leave of absence without pay, a suspension without pay, or when employees are otherwise in an inactive working status, should such period exceed thirty (30) consecutive calendar days on the next full month worked.
4. Sick leave may be granted to employees by the department director upon presentation of reasonable justification and notice for the following reasons:
 - A. Personal illness
 - B. Illness or condition of an immediate family member which, because of no alternative possible arrangements, requires the employee's presence; immediate family for sick leave purposes is defined as:
 - I. Spouse / significant other;
 - II. Children under the age of twenty-one (21) years;
 - III. Other dependents actually living in the employee's household.
 - C. Prescheduled medical and/or dental appointments for the employees and dependents.
 - D. Medical and/or dental emergencies for employees and/or dependents.
 - E. Maximum number of consecutive sick days used without approval of the department director shall be three (3).
5. When an employee has advance notice of an impending physical disability such employee shall, before commencing sick leave, submit a statement from attending physician which shall include:
 - A. The anticipated date on which leave will begin;
 - B. The date on which the physician anticipates the employee will be able to return to work; and
 - C. Whether the physician anticipates the employee to be under any physical restrictions as a result of the physical disability upon return to work.
6. Those employees who have been absent from work due to illness for more than three (3) days shall give the City a maximum of two (2) weeks notice of an anticipated return to work date.
7. No provision herein shall preclude, however, that at any time a physician's certificate may be required by the department director to verify the employee's sickness or injury.
 - A. The City reserves the right to require a physical examination and

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drug/alcohol screening, at the City's expense, whenever in the City's judgment, such examination is required the employee's fitness for duty.

- B. The employee will receive a written notice of the date, time, doctor and location for such examination / screening. Failure to comply with the notice will result in severe disciplinary action.
8. Employees may accumulate up to one hundred eighty (180) hours sick leave.
 9. Employees who are ill and unable to work, but do not have accumulated sick leave, may use any form of accrued leave they desire (vacation, compensatory time, etc.)
 10. Employees on extended personal leave without pay may be allowed to return to work in their previous position or an equivalent position if such position is available on the date when the employee has been directed to return to work by the department head (in the case of non-medical leave) or has been released to return to work by the employee's physician or health care provider (in the case of medical leave) either with or without restrictions. The City will consider the failure of the employee to return to work on that date to be on "absence without leave" for purposes of Section 23.150.2.C of the City's Discipline Policy. Because of ongoing service delivery needs, the City cannot and does not guarantee the position availability.
 11. Unused sick leave will not be compensated in any way at the time of separation of an employee.
 12. All department heads and personnel assigned to the administrative department shall report sickness and the intention not to report for work that day at 8:00 AM when the City Hall opens for business.
 13. Sick leave abuse will be indicated upon the noticeable repeated use of all or most of the accruable sick leave, or where a pattern of sick leave can be determined.
 14. This policy will be effective as of March 1, 2003, but will not retroact for previous years of employment.

23.220. Funeral Leave.- In the event of a death in the immediate family up to 3 days of paid leave can be allowed. The immediate family includes father, mother, husband, wife, children, grand children, sister, brother, grandparents, mother-in-law, father-in-law, brother-in-law, and sister-in-law. Other relatives will be allowed 1 day unless travel time is needed. Request for funeral pay must be submitted in writing prior to the regular pay date.

23.225. Jury Duty Leave

An employee will be granted leave when required to be absent from work for jury duty or as a trial witness under the following conditions:

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1. To be eligible for pay during jury duty, employees must submit a copy of the Jury Duty Summons at least one week prior to the time they are scheduled to serve.
2. On any day or half-day you are not required to serve, you will be expected to return to work.
3. You must report for work if you are released from jury duty before the end of your work day.
4. Employees will be expected to report to work on the first regularly assigned shift immediately following completion of jury duty.
5. In order to be excused for jury duty, all employees, including those ineligible for paid leave, must follow the reporting and return-to-work procedures outlined above.

For full-time employees, the City will pay the difference between the sum received for such jury duty, excluding mileage reimbursements, and the employee's regular pay. Upon return to work, the employee shall, within two (2) days, furnish evidence of having served on jury duty for the time claimed and the amount of pay received. Full-time employees on leave for jury duty will continue to accrue all employment benefits as if they had reported to work for the period of jury leave.

Jury duty leave without pay will be granted to all other employees.

23.230. Personnel files.

1. It shall be the responsibility of the city clerk or deputy city clerk to maintain a personnel file on each employee of the city.
2. Department Heads may view the personnel file of their employees by requesting the file from the city clerk or deputy city clerk.
3. The Mayor may view the personnel file of any city employees by requesting the file from the city clerk or deputy city clerk.
4. The Board of Aldermen may view the personnel file of any city employee by majority vote for an executive session to view the file. The City Clerk is responsible for placing this item on the agenda of the next regular meeting for consideration when requested by a member of the Board of Aldermen.
5. Personnel files are not to leave the premises of the City Clerk's office.
6. Federal and State law does not require the City to provide current or previous employees a copy of their personnel file.

23.240. Time Clock.

1. All employees are required to clock in and out on the time clock furnished by the City for all hours worked.
2. In emergency situations, the Department head may write in time worked by himself or the employees of his department.
3. No employee is allowed to clock another employee in or out. The

department head will be allowed to clock their employees in or out in emergency situations only.

4. Time will be rounded, for payroll purposes, to the nearest quarter hour. Seven minutes or less past the quarter hour will be rounded back to the quarter hour, eight minutes or more will be rounded forward to the quarter hour.

23.250. Lunch Periods or Other Breaks

Any hourly employee, other than law enforcement personnel, who is going to leave their normal work station and/or engage in personal business for longer than 10 minutes must clock out.

Adopted by Ordinance 6/14/93. Amended by: Ordinance #12, 8/14/95. Ordinance #59, 11/10/97. Ordinance #60, 12/08/97. Ordinance #82, 12/14/98. Ordinance #101, 12/13/99. Ordinance #120, 12/11/00. Ordinance #120A, 1/8/01. Ordinance #140, 11/28/01. Ordinance #160, 6/10/002. Ordinance #182, 12/9/02. Ordinance #184, 1/13/03. Ordinance #186, 3/10/03. Ordinance #188, 3/19/03. Ordinance #206, 7/31/03. Ordinance #222, 12/15/03. Ordinance #257, 12/10/04. Ordinance #281, 6/22/05. Ordinance #311, 3/13/06. Ordinance #318, 4/10/06. Ordinance #344, 8/14/06. Ordinance #350, 8/14/06. Ordinance #351, 8/14/06. Ordinance #443, 3/24/08. Ordinance #519, 6/08/09. Ordinance #544, 3/8/10. Ordinance #546, 4/12/10. Ordinance #575, 1/13/11. Ordinance #589, 5/16/11. Ordinance #606, 9/12/11, Ordinance #620, 4/9/12. Ordinance #622, 4/9/12. Ordinance #625, 4/23/12. Ordinance #630, 6/11/12. Ordinance #632, 7/9/12; Ordinance #640, 10/9/12; Ordinance #644, 11/14/12. Ordinance #682, 12/9/13. Ordinance #692, 3/10/14. Ordinance #696, 7/14/14. Ordinance #698, 8/11/14. Ordinance #750, 6/13/16. Ordinance #760, 10/11/16. Ordinance #793, 12/11/17.