

# *Personnel Policy*



**MARSHALL  
MUNICIPAL  
UTILITIES**

**BOARD OF PUBLIC WORKS  
CITY OF MARSHALL, MISSOURI  
MARSHALL MUNICIPAL UTILITIES**

**PERSONNEL POLICY**

**EFFECTIVE**

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**APPROVED BY THE BOARD OF PUBLIC WORKS**

## TABLE OF CONTENTS

<b>PART 1: GENERAL ADMINISTRATION OF PERSONNEL SYSTEM .....</b>	<b>1</b>
1. APPLICATION.....	1
2. ADMINISTRATION .....	1
3. AMENDMENTS.....	1
4. DEVIATION FROM PERSONNEL POLICIES .....	1
5. CREATION OF JOBS.....	2
6. CODE OF EMPLOYER-EMPLOYEE RELATIONS.....	2
7. EMPLOYMENT-AT-WILL .....	2
<b>PART 2: EMPLOYMENT .....</b>	<b>3</b>
1. EQUAL EMPLOYMENT OPPORTUNITY .....	3
2. HARASSMENT/SEXUAL HARASSMENT.....	3
3. APPLICATIONS.....	3
4. HIRING AND MEDICAL TESTING .....	4
5. NEPOTISM (EMPLOYMENT OF RELATIVES).....	4
6. EMPLOYMENT STATUS CATEGORIES .....	4
7. AGE REQUIREMENTS .....	5
8. OUTSIDE EMPLOYMENT .....	5
9. CODE OF BUSINESS CONDUCT.....	5
10. RESIDENCY REQUIREMENTS .....	6
11. EMPLOYEE ORIENTATION.....	7
12. PROBATIONARY PERIOD.....	7
13. TRANSFERS .....	7
14. TRAINING.....	7
15. PERFORMANCE APPRAISALS .....	8
16. PERFORMANCE IMPROVEMENT PLAN .....	8
17. HOURS OF WORK.....	8
18. PROMOTIONS.....	9
19. USE OF COMPUTERS AND THE INTERNET.....	10
20. E-MAIL, VOICE MAIL, AND OTHER ELECTRONIC COMMUNICATION .....	12
21. USE OF TELEPHONES AND CELLULAR PHONES.....	13
22. LAYOFF AND RECALL .....	14
23. TERMINATION OF EMPLOYMENT .....	15
24. RETIREMENT .....	16
<b>PART 3: SALARY AND WAGE ADMINISTRATION.....</b>	<b>17</b>
1. GENERAL .....	17
2. OVERTIME COMPENSATION .....	18
3. SHIFT DIFFERENTIAL .....	18
4. ON-CALL/STANDBY DUTY .....	18
5. CALL-OUT PAY .....	19
6. COMPENSATORY TIME.....	20
7. MUTUAL AID PAY .....	20
<b>PART 4: EXPENSES .....</b>	<b>21</b>
1. AUTOMOBILE USAGE.....	21
2. TRAVEL .....	22
<b>PART 5: BENEFITS.....</b>	<b>23</b>
1. VACATION .....	23
2. HOLIDAYS.....	24
3. SERVICE AWARDS .....	25

4.	EDUCATIONAL ASSISTANCE.....	26
5.	SECTION 125 .....	29
6.	DIRECT DEPOSIT .....	29
7.	DEFERRED COMPENSATION .....	29
<b>PART 6: MMU PREMISES AND WORK AREAS.....</b>		<b>30</b>
1.	EMPLOYEE SAFETY AND HEALTH.....	30
2.	DRIVER AND DRUG TRAINING.....	31
3.	OCCUPANT PROTECTION POLICY.....	31
4.	DRUG AND ALCOHOL POLICY .....	32
5.	WEAPONS.....	33
6.	WORK AREAS .....	34
7.	SMOKE FREE ENVIRONMENT .....	34
8.	SOLICITATION .....	35
9.	PARKING.....	35
10.	SECURITY .....	35
<b>PART 7: ABSENCE FROM WORK.....</b>		<b>36</b>
1.	ATTENDANCE AND PUNCTUALITY .....	36
2.	SICK LEAVE.....	36
3.	PERSONAL TIME.....	36
4.	SHORT-TERM ABSENCES .....	37
5.	LEAVES OF ABSENCE.....	37
6.	JURY DUTY .....	39
7.	REST BREAKS.....	40
8.	MEAL BREAKS .....	40
<b>PART 8: EMPLOYEE CONDUCT.....</b>		<b>41</b>
1.	DISCIPLINARY PROCEDURES.....	41
2.	PROGRESSIVE DISCIPLINARY ACTION .....	41
3.	IMMEDIATE DISMISSAL .....	42
4.	POST TERMINATION HEARING.....	43
5.	SPECIFIC GROUNDS FOR DISMISSAL.....	43
<b>PART 9: EMPLOYEE CONCERNS.....</b>		<b>45</b>
1.	GRIEVANCE PROCEDURE.....	45
2.	EMPLOYEE REPRESENTATIVE COMMITTEE .....	46
<b>PART 10: INSURANCE COVERAGE .....</b>		<b>47</b>
1.	TERM LIFE INSURANCE COVERAGE.....	47
2.	GROUP MEDICAL INSURANCE COVERAGE.....	47
3.	WORKERS' COMPENSATION AND INJURY LEAVE.....	48
4.	SHORT-TERM DISABILITY .....	48
5.	LONG-TERM DISABILITY .....	49
<b>PART 11: MISCELLANEOUS.....</b>		<b>50</b>
1.	SUGGESTION PROGRAM .....	50
2.	EMPLOYEE RECOGNITION PROGRAM .....	50

## **PART 1: GENERAL ADMINISTRATION OF PERSONNEL SYSTEM**

### **1. APPLICATION**

Application of these policies and procedures is effective for all employees of the Municipal Utilities of the City of Marshall, Missouri - Board of Public Works, herein referenced as the Board.

### **2. ADMINISTRATION**

With the exception of matters and appointments reserved to the City Council by statutory provisions, general authority and responsibility for the conduct and administration of Marshall Municipal Utilities' (MMU) affairs is vested in the Board, including appointments directly or indirectly to positions; the establishment and maintenance of satisfactory standards of efficiency; welfare and morale of MMU employees; and the exercise of general control and supervision over all departments, officials, and positions. Final authority, in the form of review and approval, is reserved by the Board with regard to all matters and subjects covered by these regulations, and which are not specifically delegated by them to the General Manager, various Department Directors and/or other subordinates.

The General Manager of MMU, or his designated representative, will represent the Board with regard to routine administration of all phases of these rules and policies, including the maintenance of position classification, wage and salary plans, and operational and procedural rules as approved by the Board.

Department Directors will be responsible for the proper and effective administration of these rules and policies within their respective departments.

### **3. AMENDMENTS**

Amendments to these personnel policies, procedures, and practices are subject to change at the Board's discretion in order to maintain their legal compliance, operational effectiveness, and the general scope of desired workplace conditions. Upon amendment of any part of this manual, MMU will endeavor to use normal communication channels to inform employees, in a timely fashion, of such changes and their effect, if any.

### **4. DEVIATION FROM PERSONNEL POLICIES**

Each employee covered or affected by this manual is responsible for knowledge of and compliance with all provisions contained herein. Violations of these policies and procedures will be addressed on a case-by-case basis taking into consideration individual merit and circumstance. The Board is fully committed to the success of every employee and the belief that all people must be willing to assume responsibility for their own actions. The Board specifically reserves the right, on a case-by-case basis, either by its own action or by its General Manager or other authorized representative, to deviate from these personnel policies as may be necessary in the sole judgment of the Board.

## 5. CREATION OF JOBS

With the exception of those positions established by statutory provision, all positions or offices in the Marshall Municipal Utilities organization, together with the rates of pay, are created and authorized either directly or indirectly by action of the Board.

## 6. CODE OF EMPLOYER-EMPLOYEE RELATIONS

It is the policy of the Board to implement fair and effective personnel policies and practices. However, nothing in this manual should be construed as altering the employment-at-will relationship or as creating an expressed or implied contract or promise concerning the policies or practices that the Board has implemented or will implement in the future.

## 7. EMPLOYMENT-AT-WILL

All employees who do not have a separate, individual employment contract with MMU for a specific, fixed term of employment are employed at the will of MMU for an indefinite period. Employees may resign from MMU at any time, for any reason not prohibited by law, and may be terminated by MMU at any time, for any reason not prohibited by law, with or without notice. This paragraph shall prevail over any other paragraph contained in this policy.

## **PART 2: EMPLOYMENT**

### **1. EQUAL EMPLOYMENT OPPORTUNITY**

MMU provides equal opportunity employment to all employees and applicants for employment. No person shall be discriminated against in employment because of race, religion, color, sex, age, national origin, or disability, where such disability can be reasonably accommodated.

### **2. HARASSMENT/SEXUAL HARASSMENT**

Verbal or physical conduct which harasses, disrupts, or interferes with work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

While all forms of harassment are prohibited, sexual harassment is specifically prohibited. Each supervisor has a responsibility to maintain the workplace free of any form of sexual harassment. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Nor shall any supervisor favor, in any way, any applicant or employee because that person has performed or shown a willingness to perform sexual favors for the supervisor. As used here, sexual harassment means any verbal, written, visual, or physical acts that are offensive in nature, intimidating, unwelcome, or that could reasonably be interpreted as objectionable.

Any employee who feels that he or she has been subjected to harassment of any type, whether by a coworker, supervisor, officer, or agent of MMU, should promptly report the incident to the supervisor or, if the complaint involves the supervisor, to the Manager of Employee and Customer Relations. The supervisor or the Manager of Employee and Customer Relations will take appropriate measures to resolve or correct the situation in an expeditious manner. In all cases, the employee is to be advised of the supervisor's or Manager of Employee and Customer Relations' findings and conclusions.

Any employee, supervisor, or manager who is found, after appropriate investigation, to have engaged in harassment of another employee will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination.

Employees having any questions concerning this policy should contact the Manager of Employee and Customer Relations for a confidential and frank discussion. Employees are assured that the utmost discretion will be used in the handling of such matters.

### **3. APPLICATIONS**

All persons seeking employment will be required to complete and file an application with the Manager of Employee and Customer Relations. Once the need and authorization to fill the position for employment has been determined, an ad shall generally be placed stating the title of the position open and the time period applications will be accepted. MMU will accept applications during the time period stated. MMU will not take applications unless there is an opening and the application is for that position. All such applications shall be made available

and accepted by MMU at its Business Office and forwarded to the Manager of Employee and Customer Relations.

#### 4. HIRING AND MEDICAL TESTING

At the close of the period for acceptance of applications, the Department Director, under whose supervision the position falls, shall review and select individuals for interview (normally 3-5). The Manager of Employee and Customer Relations shall call references and arrange interviews with those selected. Interviews shall be conducted by a committee of MMU personnel generally consisting of the General Manager, the Department Director supervising the position, and the Manager of Employee and Customer Relations. The General Manager may assign other personnel on said committee.

All job applicants shall be required to undergo a medical evaluation after a conditional offer of hire has been made. MMU shall select and pay a physician to conduct such evaluations based, in part, on the physical requirements of the job. Such evaluation shall include drug screening. A negative recommendation from the physician shall be grounds to deny employment. Employees transferring to a different job may be required to take a physical exam as determined by management. Any job applicant who fails to appear for an arranged medical evaluation, without good cause, will be automatically disqualified for further employment consideration.

#### 5. NEPOTISM (EMPLOYMENT OF RELATIVES)

Relatives and members of an immediate family or cohabitants shall not be appointed or transferred to serve in positions in the same department or in positions in different departments that place them in direct daily contact, unless specific approval has been obtained from the Board.

Department Directors who feel that such appointments are justified, should present to the General Manager the reasons and needs which are the basis for requesting the appointment.

#### 6. EMPLOYMENT STATUS CATEGORIES

Probationary Employees: New, rehired, or promoted employees who serve a prescribed period of close supervision and evaluation in order to assess their ability and adaptation. Performance will be strictly monitored.

Full-Time Employees: Employees who regularly work a minimum of forty (40) hours per week on a continuous basis following satisfactory completion of a probationary period.

Part-Time Employees: Employees who regularly work fewer than forty (40) hours per week on a continuous basis.

Temporary Employees: Employees holding jobs of limited or specified duration arising out of special projects, position vacancy pending appointment, the absence of a position incumbent, abnormal workloads, emergencies, or other reasons established by MMU. Temporary employees



may work either full or part-time work schedules, but will not be eligible to receive MMU-sponsored benefits or accrue any form of service credit.

## 7. AGE REQUIREMENTS

No maximum age limits may be indicated in specifications for various classes of positions. The minimum ages for initial employment will vary in accordance with the duties and responsibilities of the positions, the conditions under which they are to be performed, and also, according to the best interests of the department. No person under the age of 18 will be employed in any full-time position.

Within statutory limits and restrictions, minors who are 16 or 17 years of age may be considered for employment in temporary and/or part-time positions of a nonhazardous nature. Such persons may be required to provide a certificate of age for approval by the Manager of Employee and Customer Relations prior to employment. A copy of the certificate will be maintained in the employee's personnel file.

## 8. OUTSIDE EMPLOYMENT

Outside employment for full-time employees is not encouraged by the Board. The Board requires that employee activities away from the job must not compromise MMU's interest or adversely affect the employee's job performance.

## 9. CODE OF BUSINESS CONDUCT

Employees of MMU are the "Good Will Ambassadors" of the City. Such status involves a commitment to the following:

- A. Providing safe and reliable service in compliance with laws, rules and regulations, and to the highest standards of our industry at fair prices.
- B. Having excellence as the only acceptable norm in everything we do.
- C. Being fair, honest and open in business relationships and contacts with the public, the people whom we serve, the people from whom we buy, the people to whom we sell, and our fellow employees.
- D. Conducting our business and personal affairs in such a manner as to earn the respect, credibility and confidence of the community we serve.
- E. Being totally dedicated to the achievement of the highest quality of life for our community.

In addition to the above, the following rules apply to all employees:

- F. No employee shall accept any gift or favor from any citizen, person, firm, group or corporation, that might reasonably tend to influence him/her in the discharge of his/her official duties.
- G. No employee shall use his/her official position to secure benefits, privileges, or exemptions.
- H. No employee shall grant any special consideration, treatment, or advantage to any citizen, person, firm, group or corporation beyond that which is available to every other similar citizen, person, firm, group or corporation.
- I. No employee shall disclose information that could adversely affect the property, government or affairs of the City, nor directly or indirectly use any information gained by reason of his/her official position or employment, for his/her own personal gain or benefit or for the private interest of others.
- J. No employee shall transact any business on behalf of the City in his/her official capacity with any business entity with which he/she is an officer, agent, or member, or in which he/she owns, directly or indirectly, a substantial interest. In the event that such a circumstance could arise, he/she should turn the matter over to his/her supervisor for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.
- K. No employee shall receive any fee or compensation for his/her services as an officer or employee of MMU from any source other than MMU, except as may be otherwise provided by law.
- L. No employee shall represent, directly or indirectly, or appear in behalf of the private interest of others before any agency, board or commission of the City; nor shall he/she represent any private interest group in any action or proceeding involving the City; nor participate on behalf of others in any litigation to which the City might be a party; nor shall he/she ever accept any retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies.
- M. No employee shall use the prestige of his/her position in behalf of any political party. He/she shall at all times maintain the nonpartisan policy of the Board, although all employees are encouraged to register and vote as they may choose in all local, State and National elections.

#### 10. RESIDENCY REQUIREMENTS

Any employee, in the capacity of Department Director, supervisor, or "on-call" serviceman will be required, and all other employees will be encouraged, to live within the Marshall trade area in order to provide for a timely response to emergency situations.

## 11. EMPLOYEE ORIENTATION

On the new employee's first day of employment, the Manager of Employee and Customer Relations will provide an orientation consisting of the completion of employment forms and records; an explanation of MMU's compensation and benefit programs, and personnel policies; and any other information as determined appropriate to the employee's orientation and integration into MMU service.

During each new employee's first workweek, the designated supervisor or Department Director will conduct a thorough orientation of the employee on such matters as MMU's and department's organization and functions, the employee's job duties, training, job safety, and any other matter of departmental importance.

## 12. PROBATIONARY PERIOD

All new employees shall be placed on probation for a period of not less than six months.

If a new employee fails to meet required standards of job progress or adaptation, or for any reason is not recommended for continued employment, he/she may be released from MMU service at any time during the probationary period.

## 13. TRANSFERS

MMU retains complete discretion in handling employee transfers.

Employees may initiate a transfer request or MMU may initiate a transfer in order to meet the needs of the business.

An employee's basic eligibility for transfer will be determined by the requirements of the new job. In addition, the employee must have both a satisfactory performance record and no adverse disciplinary actions during the previous 12-month period.

Transferred employees will retain their seniority for all purposes.

Employees will normally not be granted a voluntary transfer within six months of date of employment or a previous transfer.

## 14. TRAINING

Employees will be given necessary training for the position to which they are assigned. In most cases, this training will be provided by their supervisor or another qualified employee.

Formal training requiring classroom attendance shall be funded by MMU. Licensing fees shall be paid by MMU and employees will be given time off of their regular duties to obtain the required training and to take the test to obtain the license. Time away from work for testing is compensated only once for each license. Time away from work for a retest for the same grade of

license is not compensated. Skipping grades of license, i.e., testing for A while holding a D, shall not be funded by MMU without General Manager approval.

The purpose of this instruction is to develop the information and skill necessary to enable them to perform the work to which they are assigned. Employees are encouraged to request from their supervisor more instruction when they feel it will benefit their work. Additional training will be provided as required with Department Director recommendation.

#### 15. PERFORMANCE APPRAISALS

A performance appraisal is a periodic evaluation of an employee's performance of assigned duties and responsibilities. It is the basis for management to identify and correct work performance problems, recognize and reward quality performance, improve productivity, grant periodic pay raises, screen employees for promotion, improve morale and effect other actions. Supervisors use performance appraisals as a basis for making personnel decisions to train, assign, promote, retain and remove employees. Performance appraisals are to be centered on quality, quantity and manner of job performance and compliance to MMU and department policy. Appraisals will be given at two-month intervals for six months and at the 12-month and 18-month anniversaries of employment or transfer. Appraisal on all employees, not on probation and who have completed 12 months of employment in their current position as of January 1 of the calendar year, shall be accomplished and submitted in the first quarter of each calendar year. An appraisal shall also be accomplished after 90 days of initiation of a Performance Improvement Plan.

#### 16. PERFORMANCE IMPROVEMENT PLAN

A Performance Improvement Plan is a written objective intended to identify areas of substandard performance and which provides a road map to attain acceptable levels of task accomplishment. It should be specific in detail so as to leave no doubt what the standard is and what level of accomplishment is acceptable. A Performance Improvement Plan shall terminate 90 days after initiation and may be extended one time for up to an additional 90 days. A Performance Improvement Plan shall be initiated upon direction of the General Manager following receipt of a less than average appraisal, or at any other time deemed appropriate by a Department Director after coordination with the Manager of Employee and Customer Relations and General Manager. A Performance Improvement Plan may be used in conjunction with, but not in place of, a disciplinary action. Failure to achieve adequate levels of performance by the end of a Performance Improvement Plan period may subject the employee to demotion or termination. An appraisal shall be accomplished at the end of each Performance Improvement Plan time period.

#### 17. HOURS OF WORK

MMU shall establish the time and duration of working hours as required by workload, customer service needs, and the efficient management of personnel resources.

The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours.

The normal workday will consist of eight consecutive hours of work with an unpaid meal period. Rest or coffee breaks are considered as time worked. The schedule of hours for employees will be determined by the department or office to which each is assigned. Employees will be informed of their daily schedule of hours of work, including meal period and rest or coffee breaks, and of any changes deemed necessary by MMU.

When a department is required to work more than one shift per day, the hours of work for each shift will be determined by the Department Director. Employees will be informed of their scheduled shift hours of work and of any changes to the schedule as far in advance as possible. However, lack of notice will not be a valid reason for refusal to work.

- A. Overtime: By definition overtime is time worked or paid benefit leave used in excess of 40 hours in one workweek.

Employees may be required to work overtime whenever it is deemed necessary by their supervisor. Overtime will be assigned by supervisors to employees in the particular job for which overtime is required. Refusal to work overtime in emergency situations may result in termination.

Employees are not permitted to work overtime without the prior approval of their supervisor or Department Director.

- B. On-Call/Standby Duty: Some employees may be periodically or by rotation, assigned to "On-call/Standby" duty during weekends or other off-duty hours. The purpose of having employees on "On-call/Standby" status is to provide prompt service to MMU customers during nonbusiness hours, where such response can prove instrumental to the success of the services provided by MMU, and to ensure public safety.

Calls received and time worked by an "On-call/Standby" employee must be reported to the employee's supervisor on the next regular workday and documented on daily timesheets. If no calls are received, the employee shall document on the daily timesheet that there were no calls. The nature and amount of time worked during "On-call/Standby" duty are subject to verification by supervisors. Where discrepancies occur, "On-call/Standby" employees may be required to justify the details of their reports.

Any employee assigned to "On-call/Standby" duty must keep a communication link open to the power plant operator at all times; notify the operator of all current methods of contact; and respond to a call within a reasonable period of time. Disciplinary action may result if the employee fails to follow this procedure. Employees subject to the above are free to pursue their own interests during this period, subject to the restriction that they are able to return to work fit for duty.

## 18. PROMOTIONS

MMU shall hire employees for entry level positions, provide training and development for employees when deemed necessary, and offer employees promotions to higher grade positions when deemed appropriate. To fill vacancies above the entry level, management will make every

effort to promote from within and will first consider current employees with the necessary qualifications and skills, unless outside recruitment is deemed to be in MMU's best interest.

Job openings and promotions for which management seeks candidates from within MMU will normally be posted on employee bulletin boards. From time to time, however, management will, as it deems appropriate, fill job openings or make promotions without posting notices in all departments. When JOB OPENING NOTICES are posted:

- A. The notice will indicate job title, job description, minimum educational requirements, experience required, and other information. A Job Opening Notice will be initiated by the Manager of Employee and Customer Relations as directed by the General Manager.
- B. Interested employees must submit a request for transfer to the Manager of Employee and Customer Relations within the time period indicated in the posting.
- C. Current employee candidates for promotion will normally be screened and selected on the basis of attendance and work record, performance in current position, aptitude for the job opening, education, completion of training and/or developmental assignments, awards, letters of commendation, and details of leadership experiences where deemed appropriate. Seniority will be considered if two or more candidates are judged to be equally qualified based on merit, work record, and aptitude.
- D. All employees who expressed an interest in the job opening will be notified of the outcome of their application.

## 19. USE OF COMPUTERS AND THE INTERNET

All employees are responsible for maintaining the security of MMU's computers and systems (i.e. desktop computers, laptops, e-mail, Internet, network, related hardware and software, etc.). Employees with access to MMU's computers and systems are responsible for safeguarding their password(s). Passwords for MMU's computers and systems must be made available to MMU's computer system personnel (Computer Specialists, Communication Systems Specialist) upon request. Employees who share their password(s) with individuals that are not computer system personnel or management are responsible for any and all activities that result from the use of such password(s).

Employee communications and activities using MMU's computers and systems are not private, are for MMU business purposes, and are subject to monitoring. Even though employees may have their own passwords for accessing e-mail, the Internet, and computers issued to them, MMU computers and systems, and the information that is received or transmitted through them, are the property of MMU. Employees do not have an expectation of privacy in any matters received, created in, sent over, or stored in MMU's computers or systems. For purposes of this and related MMU personnel policies, the term "systems" refers to MMU's internal systems and not the Internet service sold externally by MMU's Internet department.

Activities such as viewing, transmitting, downloading, or distributing offensive, pornographic, discriminatory, insulting, profane, derogatory, defamatory, threatening, or unlawful websites,

images, messages, or content are prohibited. Revealing confidential or personal information (other than one's own), such as Social Security numbers, is prohibited.

The following activities are also prohibited:

- Installing software without approval from MMU's computer system personnel (software that is approved must be registered to MMU);
- Copying software unless authorized by computer system personnel;
- Knowingly introducing a computer virus, worm, "Trojan horse," or any other contaminating or destructive features into MMU's computers or systems;
- Transmitting copyrighted materials without permission;
- Using e-mail or the Internet for any purpose that is illegal, against MMU policy, or contrary to MMU's best interest;
- Writing or participating in blogs or social networking sites that defame, disparage, and/or injure MMU, its employees', or its customers' reputations by name or implication;
- Participating in chat rooms or instant messaging, unless it is for MMU business purposes and approved by management;
- Transmitting or downloading information seeking employment outside of MMU;
- Soliciting non-MMU business or using MMU's e-mail or Internet for personal gain including outside employment, self-employment, and family-owned businesses;
- Streaming or downloading audio or video (such as movies and/or music), unless it is for MMU business purposes and approved by management;
- Playing computer games;
- Attempting to defeat any security mechanisms to gain unauthorized access to computer files or other information on MMU's telephone, electronic communication, computer and related systems;
- Using peer-to-peer file sharing software, i.e. Kazaa, WinMX, Napster, etc.
- Attempting to read, intercept, copy, or delete e-mails between other users;
- Impersonating another person; or
- Collecting information about others, including e-mail addresses, without their consent.

Brief and occasional personal use of MMU's computers and systems, including the Internet is acceptable as long as it is not excessive or inappropriate, occurs only during non-work time (before work, after work, or during rest or meal breaks), does not violate any of the prohibitions indicated above, and does not result in expenses to MMU. Management reserves the exclusive right to determine whether any use is inappropriate, excessive, and/or violates this policy.

Employees may, with approval, occasionally access MMU's computers and systems with their personal computer or communications equipment (such as a laptop, PDA, smart phone, or other device); however, the following conditions apply:

- Such use must not violate any of the prohibitions indicated in this policy.
- Each access must receive prior approval from the appropriate department head.
- Coordination with MMU's computer system personnel must precede each access. Computer system personnel will identify and establish an acceptable access point.
- Personal equipment accessing MMU's systems must be up to date with current security updates and antivirus software and definitions.
- Even though employees may utilize personal equipment in such a manner, any communications or activities that result are not private and are subject to monitoring.

Although not required to do so, MMU reserves the right to monitor, access, and review any and all information contained in its computers and systems. Employees will be in violation of MMU's harassment policy if employees send, receive, or access discriminatory, harassing, or otherwise inappropriate content via any of these systems.

## 20. E-MAIL, VOICE MAIL, AND OTHER ELECTRONIC COMMUNICATION

Telephones, cellular phones, computers, and other electronic communication devices are provided to facilitate MMU's business communications. All such devices and systems are the property of MMU even though employees may have passwords. Employees do not have an expectation of privacy in any matters received, created in, sent over, or stored in MMU's telephone, e-mail, communication, and/or computer systems. For purposes of this policy, the term "e-mail" refers to MMU's internal e-mail system (yourname@mmumo.net) and not the e-mail service sold externally by MMU's Internet department (yourname@mmuonline.net).

Employee communications using MMU's equipment and/or systems are not private, are for MMU business purposes, and are subject to monitoring. Employees are expected to use professional, polite, and courteous communications with both internal and external recipients. Activities such as viewing, communicating, or distributing offensive, pornographic, discriminatory, insulting, profane, derogatory, defamatory, threatening, or unlawful websites, images, messages, or content are prohibited. Revealing confidential or personal information (other than one's own), such as Social Security numbers, is prohibited. Additionally, the use of MMU's equipment and/or systems for soliciting non-MMU business or for personal gain including outside employment, self-employment, and family-owned businesses are prohibited.

Brief and occasional personal use of e-mail is acceptable as long as it is not excessive or inappropriate, does not violate any of the prohibitions listed in the Use of Computers and the Internet policy, and does not result in expenses to MMU. Management reserves the exclusive right to determine whether any use is inappropriate, excessive, and/or violates this policy.

Although not required to do so, MMU reserves the right to monitor, access, and review any and all information contained in its telephone, e-mail, communication, and/or computer systems.



Employees will be in violation of MMU's harassment policy if employees send, receive, or access discriminatory, harassing, or otherwise inappropriate messages via any of these systems.

## 21. USE OF TELEPHONES AND CELLULAR PHONES

Cellular phones are furnished to certain employees in connection with their duties. These MMU-owned and/or issued cellular phones are for MMU business purposes only.

Brief and occasional personal use of MMU-owned and/or issued landline telephones is acceptable as long as it is not excessive or inappropriate. Personal use of phones which results in charges will require reimbursement from the employee to MMU. Employees are responsible for reporting long distance or other charges to accounting personnel.

Activities such as viewing, communicating, or distributing offensive, pornographic, discriminatory, insulting, profane, derogatory, defamatory, threatening, or unlawful websites, images, messages, or content are prohibited. Revealing confidential or personal information (other than one's own), such as Social Security numbers, is prohibited. Additionally, the use of MMU-owned and/or issued telephones or cellular phones for soliciting non-MMU business or for personal gain including outside employment, self-employment, and family-owned businesses are prohibited.

- A. Cellular Phone Safety: The use of any cellular telephone while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of vehicles while being used on MMU business.

While operating a motor vehicle, employees must either refrain from cellular telephone use altogether, use hands-free equipment that allows both hands to stay on the wheel, or park in a safe and proper area before making or accepting a call. If possible, employees should decline incoming calls, allowing cellular phone features to identify the caller, and return the call when it is safe to do so.

Employees should thoroughly familiarize themselves with their cellular equipment and utilize speed-dial, memory and similar functions designed to simplify its use. While driving, employees must never attempt to take notes, flip through address books or otherwise divert their attention from driving. The cell phone itself should be kept in an easy-to-reach location within the vehicle (or mounted in a hands-free adapter).

Hands-free conversations should be suspended during heavy vehicular or pedestrian traffic, severe weather or any other condition that may compromise safety. Emotional or stressful conversations should be avoided.

Cellular phone safety also involves non-driving situations such as work sites where equipment, overhead, or fall hazards are present. The presence of cellular phones is discouraged at such work sites where the distraction caused by an incoming call might present a hazard to employees.

Safety must come before all other concerns.

- B. Personal Cellular Phones: While working, employees are expected to exercise the same discretion in using personal cellular phones as they do for company phones. Excessive personal calls, text messages, or other communications during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. MMU encourages limiting personal calls during work time and asks that employees make personal calls on non-work time where possible. MMU also asks employees to ensure that friends and family members are aware of MMU's policy. Flexibility will be provided in circumstances demanding immediate attention.

Employees who choose to carry their personal cellular phones while at work do so at their own risk. MMU is not responsible for lost or damaged personal cellular phones.

Regardless of whether a cell phone is issued by MMU or personal in nature, employees should never use any type of photographic feature on their cell phones (or other camera-equipped device) to take pictures that are unwelcome or could reasonably be interpreted as offensive or objectionable. Photographs should never be taken in any restroom or shower facility without permission from management to do so.

Management reserves the exclusive right to determine whether any use is inappropriate, excessive, and/or violates this policy.

Although not required to do so, MMU reserves the right to monitor, access, and review any and all information contained in its telephone, communication, and/or computer systems. Employees will be in violation of MMU's harassment policy if employees send, receive, or access discriminatory, harassing, or otherwise inappropriate messages via any of these systems.

## 22. LAYOFF AND RECALL

MMU will attempt to provide regular and continuous full-time employment for its employees. However, in the event it becomes necessary for MMU to reduce its number of employees due to adverse economic or other conditions, layoffs and recall from layoffs shall be conducted consistent with MMU requirements and in accordance with the procedures set forth below. Management reserves the right to alter the layoff procedure in order to assure adequate services.

When it becomes necessary for a layoff, the Board shall inform the General Manager and Department Directors of the number of jobs to be reduced in each department.

The Department Directors shall recommend to the General Manager the jobs to be vacated and also the employees to be separated, transferred, or demoted due to the force reduction.

Within each job classification effected by the force reduction, employees shall be selected for layoff in the following order:

- A. Temporary and part-time employees within the job classification to be reduced will be laid off first beginning with the employee with the least seniority.

B. Probationary employees shall be laid off next.

C. Full-time employees within the job classification, grade and class to be reduced will be laid off beginning with the employee with the least seniority and continued in reverse seniority order until the number of persons to be reduced has been fulfilled.

Employees selected for layoff shall be given as much advance notice as reasonable and as circumstances allow. Employees will be informed of the reason and the estimated length of the layoff.

Unless informed otherwise at the time of layoff, employees will remain on a recall list for a period of one year following layoff. While on the recall list, employees should report to the Manager of Employee and Customer Relations if they become unavailable for recall. An employee who fails to keep a current home address on record with the Manager of Employee and Customer Relations will lose his/her recall rights.

Employees will be recalled according to need, classification, seniority or ability to do the job. As a last resort, notice of recall shall be sent by registered mail, return receipt requested, to the current home address furnished by the employee to the Manager of Employee and Customer Relations. Unless an employee responds to a recall notice within five days following the day on which the notice was sent, the employee's name will be removed from the recall list and the employee will lose all rights with MMU.

No vacation or days of paid absence will be earned during layoff. MMU shall pay its share of insurance premiums for the month in which the layoff occurs. For continued insurance coverage, employees will be offered insurance in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA). When an employee returns to work following recall, the employee may use any unused vacation or paid absence accumulated prior to the layoff and will retain all seniority rights.

In the event the layoff is expected to or does result in the permanent loss of employment, the employee shall be entitled to payment for all unused benefits earned.

## 23. TERMINATION OF EMPLOYMENT

MMU shall terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the work force. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time, and MMU reserves the right to terminate employment for any reason. (See Employment-at-will; Part 1, Section 7.)

All employees are expected to give at least two weeks written notice of their intent to resign. Failure to give written notice may result in forfeiture of non-vested MMU benefits and ineligibility for reemployment.

As part of the normal termination process, employees will be required to return to the Department Director any MMU property in the employee's possession, including keys, tools, ID card, health cards, etc.

The Department Director is responsible for making satisfactory arrangements for any funds due MMU.

The Accounting Department will have the final pay for terminated employees available on the regularly scheduled payday for the pay period in which employment was terminated, provided all MMU materials are returned and other accounts settled.

#### 24. RETIREMENT

By action of the City Council and the Board, MMU became a member of the Missouri Local Government Employees Retirement System (LAGERS), a cooperative organization of Missouri cities and towns, formed and operating under the provision of the Missouri Legislature (1967). The purpose is to provide an adequate and dependable plan for the retirement of employees of Missouri municipalities.

The City of Marshall's plan requires no contribution by the employee. The City contributes the full cost based on an actuary study.

An explanation of employee retirement benefits, retirement age, etc., can be found in the Summary Booklet provided to each employee upon eligibility for LAGERS. The City of Marshall currently applies the L-3 benefit factor as explained in the LAGERS Summary Booklet.

### **PART 3: SALARY AND WAGE ADMINISTRATION**

#### **1. GENERAL**

Wages and salaries for various job classifications shall be in general accordance with the provisions of the Official Pay Plan, including amendments, and within the limitations of the financial provisions of each department. All wages and salaries are reviewed each fiscal year.

No employee shall receive pay above 85% of the top pay for the employee's position until and unless the employee has met all the basic requirements stated in the job description. When an employee whose pay is limited hereby satisfies the certification/license requirement, the employee will be eligible for an increase in hourly rate in the next full pay period; such increase in hourly rate being based on what the employee would have received had the requirement been met at the time of the most recent pay adjustment.

Linemen who have not completed the Missouri Association of Municipal Utilities (MAMU) apprentice program, or its equivalent, and who:

- A. are not enrolled in an apprentice program will have their wages frozen.
- B. are enrolled in an apprentice program and in the lower 1/3 of the class, will have their annual wage increase limited by the percentage of final grade received. (Example: If a final grade of 76% is obtained, the wage increase will be no more than 76% of what the wage increase would have otherwise been.)

Employees are paid every two weeks with the pay periods ending Saturday night at 12 midnight. Pay will normally be disbursed on the following Thursday. Each payday, employees will receive a statement showing gross pay, deductions, and net pay. State, Federal, Social Security (FICA) taxes, and other authorized items will be deducted.

For those hours an employee is performing a task for which State or Federal regulations require the employee to suit out (head to foot protective clothing including a respirator), the employee will receive an hourly rate \$4.00 above his/her regular rate plus shift differential if applicable. If the suited out employee is assigned to supervise other suited out employees, that supervising employee will receive an additional \$1.00 per hour. These premiums would apply only to nonsalaried, nonsupervisory employees who have been trained for the task.

## 2. OVERTIME COMPENSATION

Overtime compensation will be earned by hourly employees for time worked in excess of forty hours during the normal workweek. Paid benefit leave, including comp time will be counted toward the 40-hour normal workweek. Overtime compensation will be paid in comp time at the rate of 1 and 1/2 hours for each hour overtime worked except when an individual is assigned to provide mutual aid away from the City of Marshall. During mutual aid assignments, the Mutual Aid Pay policy will apply.

## 3. SHIFT DIFFERENTIAL

In order to compensate hourly employees for inconvenience experienced when assigned to work late shifts, a shift differential will be paid as follows for actual hours worked: (Note: Hours may vary, but the intent is to compensate for 2nd and 3rd shifts.)

- A. For the 2nd shift, normally between the hours of 4:00 p.m. and 12:00 a.m., a three percent of regular wage will be added to regular wage for the hours worked during that period.
- B. For the 3rd shift, normally between the hours of 12:00 a.m. and 8:00 a.m., a five percent of regular wage will be added to regular wage for the hours worked during that period.

## 4. ON-CALL/STANDBY DUTY

Compensation for "On-Call/Standby" duty will be for the inconvenience of being available during these hours. Qualified employees may be assigned to "On-call/Standby" duty and are free to engage in their own pursuits, subject only to the restrictions that employees can be readily contacted and able to return to work fit for duty. Compensation for employees assigned to such duty will be as follows:

1 hour overtime compensation for each weekday Monday through Thursday	4 hours
3 hours overtime compensation for the period Friday noon until 12:00 midnight Saturday	3 hours
3 hours overtime compensation for the time period from 12:00 midnight Saturday until the beginning of the regular workday on Monday	3 hours
Overtime compensation for normal week of "On-Call/Standby Duty"	<hr/> 10 hours

Individuals on "On-call/Standby" duty on full-day holidays will be compensated an additional five and one-half hours overtime. Individuals on "On-call/Standby" duty on a half-day holiday (such as the half-day Christmas Eve holiday that occurs when Christmas falls on Wednesday, Thursday, or Friday) will receive an additional two and three-quarters hours overtime (one-half of the hours compensated for a full-day holiday).

- A. If an employee is on “On-call/Standby” duty and is called to perform work, the employee shall be paid for all time spent performing work. While on “On-call/Standby” duty, employees will also be paid for 15 minutes travel time per call requiring travel to their designated work location. This travel time shall not apply when an employee is authorized and able to perform the work remotely and without traveling to the work location.

The employee on “On-call/Standby” duty will handle calls that can be taken care of in a safe manner without the aid of a work crew. In the event a call cannot be addressed safely by one individual, additional assistance shall be called in to work. Where additional assistance is required, the employee on “On-call/Standby” duty will earn a minimum of two hours overtime compensation. Safety equipment and procedures shall be used as during regular working hours.

For additional information, see Hours of Work, Part 2, Section 17.

- B. Take-home use of a MMU-owned vehicle is not permitted for “On-call/Standby” duty unless emergency use is authorized by the Department Director. During severe weather or similar emergency situations, the Department Director may authorize the use of a MMU-owned vehicle. The appropriate tax liability shall apply in this situation.

Employees on “On-call/Standby” duty shall report to work at their designated location and respond to the call in an MMU-owned vehicle. Use of personal vehicles to respond to calls is generally prohibited. If an imminent threat to public safety is known to exist, an employee may choose to respond in their personal vehicle as long as they can do so safely.

## 5. CALL-OUT PAY

An employee, not on "On-call/Standby" duty, who is called to return to work to perform unforeseen or emergency work outside his/her scheduled hours, will earn a minimum of two hours overtime compensation. This minimum applies even if the actual call-out is completed in less than two hours. Department Directors may authorize a minimum of two hours compensation in the event an employee is scheduled to return to work outside his/her normally scheduled hours.

Employees subject to “Call-Out Pay” shall report to work at their designated location and respond to the call-out, if offsite, in an MMU-owned vehicle. Use of personal vehicles to respond to offsite call-outs is generally prohibited. If an imminent threat to public safety is known to exist, an employee may choose to respond in their personal vehicle as long as they can do so safely.

## 6. COMPENSATORY TIME

Except as explained below, employees will receive, in lieu of overtime compensation, compensatory time at a rate of one and one-half hours for each hour of overtime worked. Such compensatory time may be taken off at a time requested by the employee and approved by the Department Director. The employee will be permitted to use such time within a reasonable period after making request if the use of the compensatory time does not unduly disrupt the operations and does not create overtime. Compensatory time may be converted to wages upon request in any subsequent pay period. Compensatory time may be accumulated up to 100 hours. Any compensatory time in excess of 100 hours shall be converted to wages. Comp time shall be used/paid on a first hour earned, first hour used basis.

Compensatory time is not applicable when an individual is assigned to provide mutual aid away from the City of Marshall.

## 7. MUTUAL AID PAY

Any employee who is assigned to work away from the City of Marshall to provide mutual aid assistance to another entity shall be paid according to this Mutual Aid Pay policy from the time they depart MMU's facilities to travel to the entity being assisted until such time as they return to the MMU facility. All time worked during the mutual aid assignment will be paid at time and one-half. An employee who is further required to lodge overnight shall be paid up to 8 hours straight time for each night that lodging is required as determined by the Department Director.



## **PART 4: EXPENSES**

### **1. AUTOMOBILE USAGE**

MMU shall maintain vehicles for use by its employees while they are on MMU business. In addition, employees may be required to use their own vehicle for MMU business in accordance with the guidelines below:

- A. Every employee who drives a vehicle on MMU business must possess a valid driver's license for the type of vehicle being operated. A Commercial Driver's License is required for some employees as specified on their job description. Minimum insurance as required by law must be maintained if an employee uses a privately-owned vehicle for MMU business.
- B. Each employee is personally responsible for any fines incurred as a result of moving or parking violations.
- C. No employee is permitted, under any circumstances, to operate a vehicle for MMU business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.
- D. Employees are not permitted to use MMU vehicles for non-MMU business purposes under normal circumstances. Exceptions to this rule must be approved in advance by the employee's supervisor.
- E. Employees who use their personal vehicle for MMU business purposes will receive a mileage allowance based on a predetermined amount per mile. This allowance is to cover the cost of gasoline, oil, depreciation, and insurance.
- F. Employees driving on MMU business may claim reimbursement for parking fees and tolls actually incurred, and employees driving MMU vehicles may claim reimbursement for gasoline and other expenses directly incurred for business purposes. Claims for mileage allowance and reimbursement must be approved by the employee's Department Director and submitted to the Accounting Department for payment.
- G. Employees must report to their supervisor any accident, regardless of the extent of damage or the lack of injuries, involving MMU vehicles or a personal vehicle used on MMU business. Such reports must be made as soon as possible after the accident. Employees are expected to cooperate fully with the authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.
- H. Employees using MMU vehicles are responsible for proper maintenance and must report any malfunctions or maintenance requirements to their supervisor and the vehicle maintenance shop for repair.

- I. Supervisory personnel will be allowed to use MMU vehicles for commuting to and from work only when approved by the General Manager. The appropriate tax liability shall apply in this situation.
- J. Operators of vehicles are responsible for the safety and conduct of their passengers. Nonemployees and nonbusiness passengers (i.e., family and friends) are prohibited from riding in MMU vehicles.

## 2. TRAVEL

MMU shall reimburse employees for the expenses of travel, including the cost of transportation, meals, and lodging, provided such travel is approved and performed in the course of conducting MMU business.

Activities which normally justify the reimbursement of travel expenses include attendance at business meetings, conventions, and seminars or selected educational functions related to the employee's job. However, all requests for travel will be submitted to the Department Director and forwarded through the Manager of Employee and Customer Relations to the General Manager for approval before embarking on such travel.

All employees normally are expected to travel coach or economy class and to stay and eat in moderately priced establishments while traveling on MMU business.

If needed, a cash advance for expenses of approved travel may be submitted through the Department Director to the Accounting Department well in advance of the departure date. Upon completion of travel, the employee must fill out a reimbursement request and attach the necessary supporting receipts. Amounts claimed, less the cash advance, if any, must be approved by the Department Director before submitting the reimbursement request to the Accounting Department for payment.

A Trip Report will be submitted to the Manager of Employee and Customer Relations within 3 days of completion of travel. Such Trip Report shall describe the results/accomplishments of the travel, including any recommendations for changes or improvements in MMU's operations.

Employees will not be reimbursed for the expenses of entertainment while on a business trip.

Reasonable travel time spent by an hourly employee in traveling away from home on approved MMU business shall be considered time worked for pay purposes. Travel time may be audited and adjusted by the Accounting Department.

**PART 5: BENEFITS**

1. VACATION

Full-time employees accrue annual vacations with pay in accordance with the guidelines established below.

The established vacation year is the calendar year, January 1 through December 31 each year.

New, full-time employees shall be credited with forty (40) hours of vacation after successful completion of their probationary period (normally 6 months) and another forty (40) hours of vacation time on their first year anniversary date. After that time period, beginning the next pay period, they shall accrue vacation time per pay period according to the following schedule. Employees surpassing an anniversary that results in an increase in the number of hours accrued per pay period shall realize that increase beginning the next pay period. Vacation time shall be credited only for completion of a full pay period. Employees accrue paid vacation according to the following schedule:

<u>After Service Period</u>	<u>Paid Vacation Accrued</u>
1 Year	3.25 hrs per pay period 84.5 hours per year
5 Years	4 hrs per pay period 104 hours per year
10 Years	4.75 hrs per pay period 123.5 hours per year
15 Years	5.5 hrs per pay period 143 hours per year
20 Years	6.25 hrs per pay period 162.5 hours per year
25 Years	7.00 hrs per pay period 182 hours per year

*Note: Vacation accrual may be prorated for any pay period in which an employee is absent without pay, i.e. without the use of paid leave such as personal, vacation, holiday, or compensatory time.*

Vacation time can be used by non-exempt employees in increments of not less than 1 hour and by exempt employees in increments of not less than 4 hours. Requests for vacation require advance notice and Department Director approval.

The maximum number of hours an employee may have banked at any given time is set at 260 hours. Once an employee obtains 260 hours of vacation time, no more vacation time shall be earned until some is used.

Vacation schedules for the current calendar year will be circulated in seniority order within each job classification or group of job classifications as deemed appropriate by the Department Director during the first quarter of each year.

Management reserves the right to designate when some or all vacations must be taken. Department Directors are responsible for ensuring adequate staffing levels. Employees who want to change their vacation plans after the vacation schedule has been set lose their seniority consideration.

Employees who are entitled to a vacation of more than two weeks may only schedule a maximum of two weeks during the first scheduling pass. After the schedule has been circulated to all employees in the job classification(s), all other weeks, days, etc., may be scheduled.

Employees may not receive vacation pay in lieu of time off. Employees will not be paid for any vacation time not accrued because of the 260-hour ceiling.

If an observed holiday date falls within an employee's vacation period, that day off is to be taken as a holiday, not a vacation day.

Employees whose employment is terminated, who retire, or who resign with proper notice will receive vacation pay for any unused vacation accrued at the time of termination. If an employee dies, pay for accrued and unused vacation will be paid in a lump sum to the employee's estate.

No vacation time will be accrued by temporary or part-time employees.

## 2. HOLIDAYS

MMU shall observe holidays each year as determined by management. Employees will be given a day off with straight time pay for each holiday observed. Holidays are observed on dates as designated by Department Directors. If a Department Director reasonably expects an employee will be able to take off a holiday on the nationally recognized or actual holiday without jeopardizing department operations, no action is required and the employee shall be off on the recognized date. If a Department Director reasonably expects an employee will not be able to take off a holiday on the nationally recognized or actual holiday, such Department Director shall designate a date on which the employee can reasonably be expected to be able to observe the holiday without jeopardizing department operations. The Department Director should designate the date on which the employee is to observe the holiday at least two weeks prior to the actual holiday. The Department Director should consult with the employee before designating the day to be observed. If work schedules prohibit designation of any day on which the Department Director reasonably expects the employee will be able to observe the holiday, the holiday shall be credited to that employee as a floating holiday which may be used by the employee as any other floating holiday. If for any reason, an employee is not able to observe the holiday on the

designated holiday, the employee may elect to either: a) have the holiday credited to his/her floating holiday account so the holiday can be used by the employee as any other floating holiday, or b) earn comp time for the work performed on the designated holiday. Due to the great number of holidays during the last couple of months each year, the cutoff for using floating holidays shall be the end of the last full pay period in May. Recognizing there are three floating holidays between January and the end of May, up to 24 hours of floating holiday time may be carried beyond the last pay period in May. Temporary and part-time employees are not eligible to receive holiday pay.

Following is a schedule of holidays to be observed during each calendar year:

- New Years Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

The Board of Public Works has approved the addition of ½ day paid holiday for Christmas Eve when Christmas falls on a Wednesday-Friday. A full day paid holiday will be granted for Christmas Eve when Christmas Day falls on a Tuesday.

The Board also recognizes the following dates as holidays, but wishes to have MMU work on these days. It, therefore, designates these holidays to be floating holidays that are to be taken at the employee's discretion with their supervisor's approval. MMU will be in operation on these days when they fall during the regular workweek. A request to use a floating holiday should be submitted at least 24 hours in advance.

- M. L. King Birthday
- President's Day
- Truman's Birthday

### 3. SERVICE AWARDS

MMU shall recognize extended service by presenting service awards to eligible employees as specified in the guidelines below.

All full-time employees are eligible to receive a service award upon completion of one year of continuous service and at the end of every five years of continuous service.

The service award will be presented to the individual on or shortly after the employment anniversary date when the employee becomes eligible for the award.

Service awards to employees with fifteen years of service or less should be presented by the employee's Department Director. Service awards to employees with twenty or more years of service should be presented by the General Manager.

Service awards attempt to show management's appreciation for length of continuous service through Service Pins, Savings Bonds, and Letters of Appreciation. The following table indicates the pin and savings bond plan:

<u>Years of Service</u>	<u>Pin Type</u>	<u>Savings Bond Amount</u>
1	Blue	None
5	Red Center	\$50
10	White Center	\$75
15	Silver with Maroon	\$100
20	Gold with Blue	\$125
25	Gold with Red	\$150
30	Gold with White	\$175
35	Gold with Maroon	\$200
40	Gold	\$225

The employee is to receive a letter of appreciation from the General Manager after one year of service, and one from the Board for the five-year anniversaries thereafter.

In addition to the above, the Board will sponsor an annual "20-Year Club" dinner for employees (and spouses) who have reached 20 years of continuous service.

#### 4. EDUCATIONAL ASSISTANCE

MMU shall provide educational assistance to its employees in accordance with the guidelines established below.

- A. Educational assistance will be provided only for courses of study which MMU determines are directly related to the employee's present job. In addition, the courses or programs must be offered by accredited institutions of learning.

Other requirements for educational assistance include the following:

1. Only full-time employees are eligible.
2. The employee must have completed one year of service with MMU.
3. The employee must meet the educational, professional, or other prerequisites established by the program.

4. The General Manager must approve the plan for each employee based on an individual evaluation of the circumstances.
- B. In order to guarantee reimbursement of education costs, requests for educational assistance shall be submitted to the Department Director and forwarded through the Manager of Employee and Customer Relations to the General Manager for approval prior to enrollment. Employees should have the support of their Department Director before submitting the request.

The General Manager, in considering a request for educational assistance, should consider, but is not limited to, the following factors:

1. The nature and purpose of the course of study.
  2. The benefits to be derived by the employee and MMU.
  3. The level of responsibility, length of service and performance of the employee.
  4. The estimated cost.
- C. The amount of assistance paid by MMU will be based upon the grade received for the course as follows:
1. For a grade of "A," 100% of reimbursable costs;
  2. For a grade of "B," 75% of reimbursable costs;
  3. For a grade of "C," 50% of reimbursable costs;
  4. There will be no assistance for a grade lower than "C." For passing a "pass/fail" course, the amount of assistance shall be 75% of reimbursable costs.

Upon completion of the course, the employee is to submit to the General Manager a certified transcript of grades received and receipts for expenses incurred. MMU will then reimburse to the employee the applicable percentage of the cost of tuition, textbooks, registration, laboratory and library fees. However, employees who take courses at the specific request or direction of management may have all appropriate costs paid in advance.

For reimbursement of educational expenses, employees shall be required to sign a "Statement of Understanding" indicating that they are aware that full remuneration shall be due MMU should they resign or be terminated for cause within six months of completion of a course.

Class attendance and completion of study assignments are to be accomplished outside of the employee's regular working hours. It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance.

D. In order to maintain State licensed personnel within water and wastewater operations, MMU will compensate water and wastewater plant operators who exceed the required MMU job description "C" DNR State License Certification as follows:

1. State "B" License \$0.75 per hour above base hourly rate; or
2. State "A" License \$1.50 per hour above base hourly rate

E. In order to assist with developing and maintaining qualified personnel within wastewater collection and water distribution operations, MMU will compensate individuals in eligible Underground Facilities positions as specified below:

Foremen and system operators who exceed the required MMU job description "C" MWEA Collection Certification will be compensated as follows:

1. MWEA "B" Collection Systems Operator Certification \$0.40 per hour above base hourly rate; or
2. MWEA "A" Collection Systems Operator Certification \$0.80 per hour above base hourly rate

Personnel in general maintenance/meter reader, maintenance, or serviceperson positions who obtain certifications required for system operators and foremen will be compensated as follows:

1. MWEA "C" Collection Systems Operator Certification \$0.25 per hour above base hourly rate; and
2. State "DS-III" Certification \$0.25 per hour above base hourly rate

F. In order to assist with developing and maintaining qualified personnel within backflow prevention operations, MMU will compensate authorized Underground Facilities personnel who, after obtaining Department Director approval, obtain backflow prevention and assembly tester certification meeting State requirements as follows:

1. Twenty-five cents per hour above base hourly rate (prior approval is required due to a limited need for individuals with this certification)

G. In order to assist with developing and maintaining qualified electricians, MMU will compensate electricians who successfully complete an approved electrician apprenticeship program as follows:

1. An increase of one dollar per hour not to exceed the maximum rate of pay established at that time for the position



## 5. SECTION 125

Participation in a Section 125 plan is optional. If an employee elects to use the benefits of this plan, he/she may realize savings of income taxes and Social Security taxes, but with possible reduction in Social Security benefits at retirement. Refer to the summary plan description, available in the office of the Manager of Employee and Customer Relations, for a description of the provisions of this fringe benefit program.

## 6. DIRECT DEPOSIT

Employees may select an amount to be withheld from their payroll check. MMU provides, and encourages, direct deposit of payroll checks. Employees participating in direct deposit have the option of splitting their payroll check between a reasonable number of checking and savings accounts. Employees electing direct deposit continue to receive a pay stub for their records. Information on details is available in the Accounting Department.

## 7. DEFERRED COMPENSATION

Employees may elect to defer compensation through payroll deduction by participating in a supplemental retirement plan. Participation in the plan is on a voluntary basis. Changes to the individual employee plan are at the employee's discretion. Refer to the summary plan description, available in the office of the Manager of Employee and Customer Relations, for a description of the provisions of this fringe benefit program.

## **PART 6: MMU PREMISES AND WORK AREAS**

### **1. EMPLOYEE SAFETY AND HEALTH**

MMU shall provide a safe and healthful work environment for all employees. Employees are expected to comply with all safety and health requirements whether established by management or by Federal, State, or local law.

All employees shall be constantly alert to protect the safety and health of employees and the public. The responsibilities of employees include:

- A. Inspecting their work areas.
- B. Familiarity with and abiding by all safety and health procedures.
- C. Attending training in matters of health and safety.
- D. Identifying unsafe conditions.
- E. Reporting all accidents.

All observed safety and health violations and any accidents resulting in or potentially resulting in injuries to employees or customers shall be reported immediately to the Department Director.

All employees are encouraged to submit suggestions to their Department Director concerning safety and health matters.

Employees shall receive training on Hazard Communication upon initial assignment, and whenever a new physical or health hazard the employees have not previously been trained about is introduced into their work area. This training will be documented and maintained by the Manager of Employee and Customer Relations.

If safety clothing and equipment, such as safety glasses or hard hats, are required by MMU policy, MMU will provide the clothing and equipment at no cost to the employee. MMU will likewise replace damaged or broken safety clothing or equipment, provided the damage is not caused by the negligence of the employee and such damage occurred while performing duties for MMU. MMU reserves the right to have safety glasses and other related equipment purchased or repaired at a designated vendor. In an effort to promote safety awareness throughout MMU, the Board has approved a safety incentive program that will reward departments and individuals for their contributions for safe work practices.

## 2. DRIVER AND DRUG TRAINING

Driver safety awareness training shall be made available to each employee who routinely might be expected to use a particular class of motor vehicle as part of that employee's official work assignment. Such driver training shall include topics addressing vehicle familiarization, including the use of vehicle safety systems; the use of safety belts and, where appropriate, the use of motorcycle helmets; and the effects of alcohol and other drugs on driver performance. Training shall also be made available for all employees to familiarize such employees with rules and regulations regarding beverage alcohol and nonprescribed controlled drugs. Employees shall be required to sign a statement indicating they are aware of the policies regarding occupant protection and drug and alcohol use.

## 3. OCCUPANT PROTECTION POLICY

- A. Seat Belts: The Board requires that each of its employees, while on official business of the City, while either operating or occupying a motor vehicle equipped with safety belts or otherwise required by Federal regulations to have safety belts, to have an occupant safety belt properly fastened at all times when the vehicle is in motion.
- B. Use of Motorcycle Helmet: Appropriate head protection shall be worn by all employees on official business while the motorcycle they are operating is in motion.
- C. Penalties: Any employee failing to use a seat belt or motorcycle helmet shall face any of the following penalties, generally progressing from one to the next unless circumstances

(in the opinion of the Department Director) warrant more severe punishment. However, at any time when in the opinion of the Department Director progression in penalty is not warranted, the Department Director may order the imposition of a repeat of an earlier penalty.

1. A verbal or written warning
2. A suspension from work for one day without compensation
3. A suspension from work for three days without compensation
4. A suspension from work for ten days without compensation
5. Termination from employment

NOTE: According to State law, failure to follow this policy could result in a reduction in Workers' Compensation benefits by 15 percent; and if use of alcohol or nonprescription drugs is the cause of an injury or death, such benefits could be lost.

#### 4. DRUG AND ALCOHOL POLICY

The Board is committed to the safety and wellbeing of its employees and the public; and accordingly, it is the Board's intent to maintain a work environment which is free from drug use and to prohibit unlawful possession of controlled substances in the workplace.

- A. Alcohol and Nonprescribed Controlled Drug Use: Employees are expected to report to work on time and in appropriate mental and physical condition for work. Employees are not to report to work under the influence of alcohol or nonprescribed controlled drugs. The Board requires that each of its employees refrain from the consumption, use or possession of beverage alcohol or nonprescribed controlled drugs in the workplace. Any use of beverage alcohol or nonprescribed controlled drugs off duty or during a break or meal period which has an effect of impairing the employee's performance when on duty, or which might reasonably impair such employee's performance when on duty, is likewise prohibited. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on MMU premises or while conducting MMU business off premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- B. Examination: If at any time a Department Director has a reasonable basis to believe that an employee has violated the policy regarding drug or alcohol use, the Department Director may undertake such reasonable inquiry as may be necessary to determine the same. This examination may consist of inquiry of the employee, his coworkers and, if the Department Director determines it to be appropriate, by medical examination of the employee by a licensed medical professional to include an alcohol or drug screening test at MMU's expense. The failure of an employee to submit to an alcohol or drug screening test shall be grounds for discipline which may include termination. The results of the alcohol or drug test shall not be used by MMU for any purpose other than to determine

adherence to policy, to discipline an employee whenever necessary, and to comply with applicable terms of this policy.

- C. Treatment: Any employee who desires to receive treatment for drug or alcohol misuse or abuse may at any time seek treatment. Such employee shall not be penalized for seeking treatment.
- D. Legal nonprescription or prescribed legal drug use: No employee shall be subject to discipline for the appropriate use of legal nonprescription or prescribed legal drugs for the treatment of illness or injury. However, if the employee knows or should know that use of a nonprescription or prescribed drug does or could impair the employee's ability to operate an MMU vehicle or equipment, or otherwise perform his or her job duties, the employee shall share this information with his/her immediate supervisor. Violation of this section of the policy may subject the employee to disciplinary action.
- E. Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off MMU premises while conducting MMU business. A report of a conviction must be made within five days after the conviction to the Department Director. Within ten days of learning of an employee's criminal conviction for illegal drug activity within the workplace, MMU will take appropriate personnel action.

A copy of this policy is provided to each new employee and additional copies may be obtained from the Manager of Employee and Customer Relations.

In addition to this policy, MMU's Controlled Substances and Alcohol Use and Testing Policy applies to employees whose job classification requires them to hold a commercial driver's license (CDL).

NOTE: According to State law, failure to follow this policy could result in a reduction in Workers' Compensation benefits by 15 percent; and if use of alcohol or nonprescription drugs is the cause of an injury or death, such benefits could be lost.

## 5. WEAPONS

No person shall be allowed to carry any weapon into any building owned, leased or controlled by MMU. Persons violating this policy may be denied entrance to the building, ordered to leave the building and, if an employee of MMU, subjected to disciplinary measures for the violation. This policy shall apply regardless of whether the individual has a valid endorsement or permit to carry a firearm or other weapon.

MMU prohibits the possession or carrying of weapons of any kind on MMU property, in MMU vehicles, or while on MMU business. This policy includes:

- A. Any form of weapon or explosive;
- B. All firearms; and

- C. All knives, daggers, dirks, stilettos, or bladed hand instruments. This excludes any ordinary pocketknife with a blade no more than four inches in length.

Tools such as skinning knives and corn knives that are provided by and used in the course of work for MMU are excluded from this policy. If an employee is unsure whether an item is covered by this policy, they should contact the Manager, Employee & Customer Relations.

Employees may carry lawfully possessed weapons in their personal vehicles but are required to lock the weapons safely inside their vehicle whenever the vehicle is on MMU property. Weapons are not permitted to be loaded. Weapons are not to be removed from the vehicle while the vehicle is on MMU property or while the employee is on MMU business.

This policy applies to all MMU employees, visitors on MMU property, and customers and contractors on MMU property, regardless of whether they are licensed to carry a weapon; except that individuals who have been given consent by the Board or General Manager to carry a weapon on MMU property will be allowed to do so. This policy does not apply to police officers and as such, police officers are permitted to carry a weapon on MMU property.

## 6. WORK AREAS

Work areas shall be kept clean and orderly at all times.

Supervisors and Department Directors are responsible for making sure that their work areas are maintained in accordance with the requirements of this policy.

Areas requiring special compliance (hard hats, eye protection, etc.), are posted. All employees and visitors are expected to comply.

## 7. SMOKE FREE ENVIRONMENT

In keeping with MMU's intent to provide a safe and healthful work environment, smoking within any MMU buildings, offices, facilities, and vehicles is strictly prohibited.

Smoking near doorways which are generally used by the public and/or employees is also prohibited. The General Manager reserves the right to designate certain additional outside areas as inappropriate for smoking purposes.

## 8. SOLICITATION

Solicitation by an employee of another employee is prohibited at all times in work areas and during the working time of either person. Solicitation and/or distribution of material on MMU property by persons not employed by MMU are prohibited except in connection with activities sponsored or approved by MMU.

## 9. PARKING

MMU shall provide parking facilities, where feasible, for the benefit and convenience of its employees. If overall demand exceeds the availability of space, preference will be given to full-time employees on the basis of seniority.

The parking lot is part of MMU premises and, therefore, all MMU policies and rules apply to employees and their vehicles while on the parking lot.

## 10. SECURITY

MMU shall provide security for its property, its employees, and persons visiting its premises. Security is the responsibility of all employees.

Employees are permitted only in those areas where their work requires them to be or in designated employee rest areas. Visits to other departments for the purpose of casual conversation disrupt the work routine of others and are not permitted.

Keys for use on secured gates, doors, desks, file cabinets, vehicles, and other MMU equipment will be issued to those employees whose duties require them to have keys. Employees will be required to return issued keys when the nature of their job changes or when their employment is terminated. The unauthorized duplication of keys will be considered a breach of MMU security and will subject the employee to disciplinary action.

Visits to MMU by friends and acquaintances of employees are not encouraged, and personal visitors are not permitted in work areas. Should it be necessary for a friend or relative to speak with an employee during working hours, the individual must wait in the lobby or in an employee rest area. Off-duty personnel are classified as visitors and, therefore, are subject to these regulations.

MMU property may be entered outside of normal working hours only by employees who have been authorized to do so by their supervisor or Department Director.

## **PART 7: ABSENCE FROM WORK**

### **1. ATTENDANCE AND PUNCTUALITY**

MMU shall encourage habits of good attendance and punctuality on the part of its employees. Management recognizes that circumstances beyond an employee's control may cause him/her to be absent from work for all or part of a day. However, unauthorized absence or tardiness will not be tolerated and may result in disciplinary action.

An employee must be at his/her work location at the starting hour and at the prescribed time after lunch breaks. Employees who, for any reason, will be delayed more than a few minutes in reporting for work are required to call their supervisor promptly to explain the circumstances. Those employees permitted to report to work late will be paid only for the time they actually work.

It is an inherent responsibility of all supervisors to recognize and assist employees to correct negative behavior patterns. Excessive absenteeism and chronic tardiness are patterns of behavior that are easily identified. Prompt counseling and documentation are necessary in order to achieve desired results. Employees who are absent from work for three consecutive days without good cause and without giving proper notice to their Department Director shall be considered as having quit.

Employees may be compensated during authorized absences in accordance with the policies contained herein. Authorized absences in excess of the number of days of paid absence accumulated by an employee will not be compensated, but will not jeopardize the employee's employment status.

Employees must arrange for payment to the Accounting Department of employee contributions for various applicable plans which may need to be continued during unpaid absences.

### **2. SICK LEAVE**

The sick leave plan which credited each full-time employee with 2.5 hours of sick leave for each completed pay period ceased to exist as of September 30, 1988. All accrued hours held by employees as of that date are frozen in individual employee accounts with monetary values determined by the employee's pay rate in effect as of that date. Disbursements from these accounts are administered by the Accounting Department. An employee can "elect" to use these hours at 100% of the value only for an illness that causes a continuous absence in 8-hour increments.

### **3. PERSONAL TIME**

The day after the last full pay period of each November, each full-time employee who has completed 6 months of service will be credited with 40 hours of Personal Time. These are paid hours off which may be used for sick leave, personal time off, or any other reason when the employee wants or needs to be off of work. Personal Time may be used by non-exempt



employees in ¼-hour increments and by exempt employees in increments of not less than 8 hours. The employee will not need to explain the reason for the absence to his/her supervisor, but he/she must obtain the supervisor's approval prior to taking off and, if possible, he/she should request use of Personal Time from the supervisor at least one day in advance. As with other types of absences, the supervisor may deny a request.

Personal Time cannot be carried over beyond the last full pay period of November. Any hours left in the employee's account as of the end of that pay period will be "bought back" by MMU at the current pay rate of the employee.

Full-time employees will be credited with Personal Time on the first full pay period after they have completed their first six months with MMU. The number of hours credited will be prorated based on the date of completion of the six months. Calculations will be based on pay periods remaining until the last full pay period in November divided by 26 (26 pay periods per year) times 40 and rounded up to the next quarter hour. Example: Completed six months employment during the first pay period (following the last full pay period in November), 25 pay periods remaining,  $25/26 \times 40 = 38.46$  hours, rounded to 38.5 hours.

#### 4. SHORT-TERM ABSENCES

MMU shall permit employees to be absent from work on a short-term basis under certain circumstances. Eligible employees will receive compensation for authorized short-term absences. In the event of a death, funeral, or estate settlement in the employee's immediate family, the Department Director may grant a leave up to three (3) working days. The phrase "immediate family" includes the spouse, brother, sister, father, mother, children, grandparents, grandchildren, aunts and uncles of the employee or the employee's spouse, spouse of a brother or sister, and any other member of the employee's household.

Employees should give their supervisors as much advance notice of an absence as possible. In the event of an emergency which causes an employee to be absent without advance notice, the employee is required to notify his/her supervisor or Department Director of the situation as soon as possible.

#### 5. LEAVES OF ABSENCE

MMU will grant employees extended leaves of absence under certain circumstances and in compliance with the Family Medical Leave Act (FMLA). Leaves of absence of two weeks or less may be approved by the respective Department Director. All leaves of absence in excess of two weeks must be approved by the General Manager. In addition, any intermittent or reduced-schedule leaves of absence must be approved by the General Manager. Requests for a leave of absence in excess of 12 weeks must be forwarded to the Board for action. Employees must maintain contact with the Manager of Employee and Customer Relations at least every 30 days to provide status and intention to return to work and must, upon request, provide certification for the need for continued leave. An employee should formally request a leave of absence from his/her immediate supervisor; however, failure to do so does not preclude management from initiating leave status. If an employee is to be absent from work for a qualified reason, that employee may be placed on a leave of absence. Normal use of vacation and personal time does

not constitute the initiation of a leave of absence. Employees must be informed of their leave status and such designation may not be retroactive unless the reason for the absence was not initially known.

A leave of absence is defined as an approved absence of more than three days, for medical or personal reasons. An employee who is on an approved leave of absence, may elect to use any amount of accrued paid time up to 40 hours per week (excluding comp time which may be used at the employee's discretion). Paid time used during a leave of absence is not relative to the minimum increments allowed for normal use of vacation, personal time or holidays. Additional vacation time will continue to accrue at the same rate as benefit time used, i.e., use of 50% paid time results in 50% of vacation time accrued (Example: If an employee elects to use 80 hours of paid time during a two-week span of a leave of absence, that equates to 100% of paid time used for that time period and he/she will earn vacation at 100% of his/her normal rate. If 40 hours are used in a two-week time span, that equates to 50% time used and vacation will be earned at 50% of his/her normal rate for that time period). Once all paid time has been exhausted, or the paid time balance is less than 1 hour, no additional paid time will be earned until the employee returns to work. Paid time off used will be rounded down to the nearest quarter-hour and paid time earned will be rounded up to the nearest quarter-hour. Should a holiday occur during an employee's leave of absence, he/she will earn credit for that holiday at the same rate as time is being used. Upon return from a leave of absence, should an employee have holiday time accrued in an amount not divisible by 8, that indivisible remainder will be converted to vacation time. Unless requested otherwise by the employee, paid time will be used in the following sequence: (1) holidays, (2) personal time, (3) vacation, and (4) comp time. Employees on an approved leave of absence will not be granted additional personal time until they have been medically cleared (if required) and have returned to work.

In order to qualify for a leave of absence under the FMLA, an employee must have at least twelve months of employment with MMU and have worked at least 1250 hours during that time. This rule applies to both full-time and part-time employees. The qualifying twelve months need not be consecutive. Eligible employees are entitled to 12 workweeks of leave during any 12-month period. Leave may be taken consecutively, intermittently, or on a reduced leave schedule when medically necessary.

An employee may request a leave of absence for any of the following reasons:

- the birth of a child to the employee
- a child placed with the employee for adoption or foster care
- the employee is needed to care for a seriously ill spouse, minor child or parent
- the employee has a serious health condition
- to satisfy a military service obligation
- any other reason as approved by the General Manager

MMU reserves the right to require medical certification in connection with leave taken to care for a sick family member or when the employee has a serious health condition. When possible, employees must give 30 days' notice for a planned leave of absence.

MMU has the right to require a second or third medical opinion in the event of an employee illness or serious medical condition. MMU will be responsible for payment of services for the second and/or third medical opinion. If a third opinion is requested, the third opinion is final and binding.

For the first 12 weeks of a leave of absence, MMU will maintain the employee's medical insurance coverage under the "Group Health Plan." Continued insurance coverage beyond 12 weeks is subject to Board approval. Should MMU's health plan change during an employee's leave of absence, that employee's plan will likewise change. It is an employee's responsibility to arrange for continued payment on employee portions of insurance premiums. Should an employee fail to return to work at the conclusion of a leave of absence, employment will be terminated. MMU has the right to demand reimbursement for premiums paid during leave should an employee refuse to return to work at the end of a leave of absence and has been medically cleared or otherwise authorized to return to work. An employee does not have to reimburse MMU for premiums paid if the employee does not return because of the continuation, recurrence, or onset of a serious health condition that would otherwise entitle the employee to leave, or because of other circumstances beyond the employee's control.

An employee returning to work is entitled to the same benefits held prior to the leave of absence, minus paid time used. Included in the term "benefits" are group term life insurance, health and dental insurance, disability insurance, vacation time, sick leave, personal time, educational benefits, and pensions.

An employee returning from leave has the right to be returned to the position that was held prior to the leave, or to an equivalent position. An equivalent position is one that has equal benefits, pay and other terms and conditions of employment. Should an employee no longer be qualified to perform the duties of the position held prior to a leave of absence, MMU will attempt to find employment elsewhere in the Utility upon his/her return to work, but in no circumstance is MMU obligated to create a position.

## 6. JURY DUTY

Employees are to notify their Department Director promptly upon receipt of a jury summons and subsequent notice of selection to serve as a juror. Employees required to perform this community service will receive their regular rate of pay for normal hours worked, excluding any premium pay, less basic attendance fee paid by the Court. Paid absences for jury duty must be noted on the employee's time sheet by the Department Director. Employees will be allowed to retain any mileage paid by the respective court jurisdiction. Employees are expected to return to their regular work location when released from duty. If the employee is released from duty less than one (1) hour prior to the end of a regular shift, that employee should report for work at the beginning of the next regular work shift.

## 7. REST BREAKS

Each employee shall normally receive a rest break of fifteen minutes at approximately the middle of every four hours of work not broken by a meal period.

The time for employee rest breaks shall be scheduled by each supervisor with appropriate regard for the workload.

Time spent on rest breaks will be compensated as working time. On occasion, employees may be required to work through a rest break or they may choose to remain at work during a rest break. In this instance, the employee will not be entitled to overtime pay or to leave before the normal quitting time.

## 8. MEAL BREAKS

Each full-time employee shall normally be allowed a one-hour meal period near the middle of the workday. Employees shall not be compensated for their meal breaks unless they are required to remain at their work stations during this period.

Supervisors and Department Directors are responsible for balancing workloads and scheduling meal breaks. When necessary, the duration and time of meal periods may be changed.

## **PART 8: EMPLOYEE CONDUCT**

### **1. DISCIPLINARY PROCEDURES**

Any employee who violates any MMU standard of job performance and behavior shall be subject to disciplinary action as set forth below.

Progressive disciplinary action leading to dismissal is warranted for the following offenses as defined in Part 8, Section 5A-C: Unsatisfactory Attendance, Incompetence, and Indifference Toward Work. These procedures may also be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or conduct.

Immediate dismissal may be warranted for the following offenses as defined in Part 8, Section 5D-N: Insubordination, Violation of Safety Rules, Dishonesty, Disturbance, Abuse of Drugs or Alcohol, Misuse of MMU Equipment or Services, Sabotage, Misconduct, Subversion, Harrassment/Sexual Harrassment, and Violation of Weapons Rules.

MMU further acknowledges that the responsibility of enforcing discipline, and these disciplinary procedures, normally falls upon the first line supervisor. Failure of the supervisor to provide discipline as required by the situation, may subject the supervisor to disciplinary action.

### **2. PROGRESSIVE DISCIPLINARY ACTION**

A. On the occasion of the first incident, the supervisor shall take the following action:

1. Meet with the employee to discuss the matter;
2. Inform the employee of the nature of the problem and the action necessary to correct it; and
3. Prepare a memorandum signed by employee and supervisor indicating the facts supporting the deficiency, an action plan jointly developed to correct the problem and an established follow-up date.
4. Forward the memorandum to the Department Director.

B. Should a second incident occur, the supervisor shall immediately refer the matter to the Department Director. The Department Director shall evaluate the situation and, if necessary, take the following actions:

1. Issue a written reprimand to the employee;
2. Warn the employee that a third incident will result in more severe disciplinary action and that his/her job may be in jeopardy;

3. Suspend the employee for three working days without pay (MMU acknowledges that federal and state laws and regulations may require the discipline of exempt employees to be different than of non-exempt employees); and
  4. Prepare a mutually acceptable written performance agreement that details specific actions and timetables to overcome the deficiency and states a personal commitment by the employee to abide by that agreement. Failure to agree on a mutually acceptable action plan and commit to the desired level of improvement will result in termination of employment.
  5. Prepare and forward to the General Manager a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. A copy of this will be placed in the employee's personnel file.
- C. Should an additional incident occur, the Department Director shall take progressive disciplinary action as follows:
1. Inform the employee of his/her impending dismissal and temporarily dismiss the employee, with pay, for a period of 3 working days. Pay will cease, or reinstatement will be permitted after the third day of the temporary dismissal.
  2. Prepare documentation of the employee's actions and the reason for dismissal and present it to the General Manager for review.
  3. If management does not concur with the Department Director's reasons for dismissal, the employee will be allowed to return to work. A written statement of circumstances shall be placed in the employee's personnel file.
  4. If management concurs with the reasons and proposed actions, the dismissal will be upheld. The employee may request, within 3 working days, in writing, a Termination Hearing with his/her supervisor, his/her Department Director, the Manager of Employee and Customer Relations, and the General Manager.
  5. Based on the results of the Termination Hearing, the General Manager will prepare a final, documented ruling within 5 working days of said hearing on any action taken as a result of this hearing.
3. IMMEDIATE DISMISSAL
- A. In cases involving violations which warrant immediate dismissal, the Department Director shall take action as indicated in paragraph 2.C. above.
  - B. All actions in this category shall be reported to the Board for informational purposes and as a matter of record.

#### 4. POST TERMINATION HEARING

- A. An ex-employee who has been terminated may apply in writing to the Board for a review by the Board. This application must be made within thirty (30) days of the employee's dismissal.
- B. The Board may grant or deny a hearing within the thirty (30) days after receipt of the employee's application.
- C. Board decisions are final.
- D. Decisions regarding back pay, after a termination without pay, will be at the discretion of the Board.

#### 5. SPECIFIC GROUNDS FOR DISMISSAL

The following are offenses which apply to all employees and which, depending on facts and circumstances of the particular case, are grounds for discharge, demotion, suspension, or documented reprimand:

- A. Unsatisfactory Attendance: Excessive, unauthorized absence and/or tardiness. NOTE: An employee who is absent for 3 consecutive working days without notifying his/her Department Director may be deemed to have abandoned his/her job and may be removed from the payroll.
- B. Incompetence: Inability or unwillingness to perform assigned work satisfactorily, or an accumulation of other offences.
- C. Indifference Toward Work: Inefficiency, loafing, carelessness, performing personal business during working hours, abuse of meal or rest periods, sleeping or otherwise being inattentive during working hours, interfering with work of others, mistreatment of the public or other employees, leaving work without permission.
- D. Insubordination: Willful failure or refusal to perform assigned work, or to comply with instructions or orders as requested by the supervisor or other management members. Willful and blatant disregard for authority.
  - 1. If any employee believes the instruction or order is improper, he/she should obey the order or instruction and file a grievance later.
  - 2. If an employee believes the instruction or order, if followed, would result in physical injury or damage to MMU equipment, he/she should request approval by the next higher level of supervision before performing the work. No disciplinary action will be permitted for his/her request.

- E. Violation of Safety Rules: Smoking in prohibited areas; improper removal of safety guards, fire extinguishers, or other equipment designed to protect employees; failure to use safety equipment or to follow safety rules; failure to report an on-the-job injury, vehicle accident or unsafe condition.
- F. Dishonesty: Stealing; taking property of other employees or MMU without proper authorization; misuse of MMU or employee funds; cheating, forging, or willfully falsifying official reports, records, or documents; misuse of paid leave of absence or any other falsifying action detrimental to MMU or fellow employees.
- G. Disturbance: Fighting; using profane, abusive, or threatening language; horseplay; rowdiness; causing injury to a fellow employee through deliberate action or gross negligence; spreading false reports or otherwise disrupting harmonious relationships between employees.
- H. Abuse of Drugs or Alcohol: Reporting to work in an unfit condition; being under the influence of intoxicants or nonprescribed controlled substances; drinking intoxicants or taking into the body a nonprescribed controlled substance during working hours; possessing intoxicants, or unlawfully possessing nonprescribed controlled substances on MMU property or in MMU vehicles.
- I. Misuse of MMU Equipment or Services: Using or providing any MMU equipment, credentials, or services for other than official business without proper authority; improper or abusive treatment of MMU equipment or property.
- J. Sabotage: Deliberate damage or destruction of MMU equipment or property; altering, removing or destroying MMU records; advocacy of or participation in unlawful trespass or seizure of MMU property.
- K. Misconduct: Conviction for any criminal offense, during or after working hours, which could have an adverse effect on MMU or the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees; or repeated convictions during work of misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment. Conviction of a felony involving dishonesty, moral turpitude, or harm to another person shall be grounds for termination without condition to rehire.
- L. Subversion: Conduct subversive to the proper order, discipline, and morale of MMU.
- M. Harassment/Sexual Harassment: Any verbal, written, visual or physical acts that are offensive in nature, intimidating, unwelcome, or that could reasonably be taken as objectionable.
- N. Violations of Weapons Rules: Possessing or carrying weapons of any kind on MMU property, in MMU vehicles, or while on MMU business.



## **PART 9: EMPLOYEE CONCERNS**

MMU encourages employees to bring to the attention of management their concerns about work-related situations.

Those situations that are of concern to employees in general or to several employees within a specific department or work area are to be addressed through the normal chain of command, utilizing the Employee Representative Committee as outlined below. Those situations that are specific and confidential to a single employee are to be addressed by the employee and the employee's supervisor, utilizing the Grievance Procedure as outlined below.

### **1. GRIEVANCE PROCEDURE**

Employees will be provided with an opportunity to present their complaints and appeal decisions by management through a formal complaint and grievance procedure.

A grievance is defined as an employee's expressed feeling of dissatisfaction concerning conditions of employment or treatment by management, supervisors, or other employees.

An employee who believes he/she has been treated unfairly, or wishes to correct a misunderstanding, or desires information concerning his/her work relationships will have the right, with or without a representative, to discuss such matters with his/her immediate supervisor or higher levels of supervision if he/she so desires, provided the following steps are taken:

- A. An employee shall first discuss his/her complaint or grievance with his/her immediate supervisor within 14 calendar days of the occurrence, in an attempt to reach a satisfactory solution. Most grievances should be resolved at this step. The supervisor shall file a written account for documentation with the Manager of Employee and Customer Relations.
- B. A complaint or grievance not satisfactorily resolved in Step A may be appealed in writing to the employee's supervisor, and the Department Director, within three working days of the previous decision. In a joint meeting scheduled by the Department Director, the grievance will be discussed with all concerned. A decision will be rendered within 5 working days of this meeting. The Department Director shall file a written account of the meeting with the Manager of Employee and Customer Relations.
- C. If unable to effect a satisfactory solution to a complaint or grievance, the final appeal shall be made in writing to the General Manager within five working days of the decision in Step B. The General Manager will render a final decision in writing within 5 working days of receipt of said appeal. The written decision shall be provided to the employee and a copy shall be placed in his/her personnel file.
- D. Appeal to the Board may be requested after Step C. A Board hearing will not be considered automatic, but will be permitted or denied by Board action. The decision of the Board is final and binding and no further appeal will be authorized by these policies. MMU will abide by decisions of the Board.

## 2. EMPLOYEE REPRESENTATIVE COMMITTEE

The Employee Representative Committee (ERC) is a committee of employees representing each department within MMU. It shall consist of no more than one primary member employee from each department serving in one-year terms. No committee member shall serve in excess of two consecutive terms. An alternate committee member, from the same department, may assist or serve in case of absence or inability of the primary committee member to attend a meeting. At no time will any department be represented by more than one committee member. The nonsupervisory employees in each group represented shall elect primary and alternate committee members.

The ERC shall elect a chairperson who shall serve in that capacity until replaced by a new ERC member. At that time a new chairperson shall be elected. Elections for ERC members shall occur as follows: \*

Administrative Services	April 1
Field Services-Underground Facilities	July 1
Electric Production	October 1
Environmental Services	April 1
Field Services-Electric Distribution	January 1

The purpose of the ERC is to maintain open communications between employees, management and the Board of Public Works. The ERC may convene at anytime deemed necessary by the committee chairperson. Each committee member shall inform his/her Department Director of the time and expected duration of each meeting and the member's attendance at meetings shall be subject to Department Director approval. The ERC should meet at least once each quarter. The Manager of Employee and Customer Relations shall attend meetings as requested by the ERC and act as advisor with no voting rights.

The ERC is not tasked to resolve employee concerns, but to ascertain that concerns are addressed. If, after talking with management, an employee or group of employees feels that a concern or suggestion has not received adequate attention, they have the right to address that concern to the ERC without fear of reprisal. The concern should be presented in writing to eliminate miscommunication. The ERC has the right to inform employees to put their concern in writing. The ERC will meet and discuss the concern. If the concern warrants further attention as agreed to by a majority of committee members, the ERC shall address the concern to the appropriate level of management beginning with the respective Department Director. If, after a period of time deemed sufficient by the committee, the matter remains unresolved, the ERC shall address the concern to the General Manager. It will not be the responsibility of the ERC to research or provide additional details. That responsibility should be worked out between management and the individual or group that originated the issue. If the ERC feels that the concern has gone through proper channels, and an appropriate amount of time has elapsed and the concern remains unresolved, the Board of Public Works shall be so advised. The ERC may meet with the Board of Public Works during executive session of a regularly scheduled meeting or at any other time mutually acceptable by the Board and the ERC.

\* The first elections shall occur October 1, 1994. Members currently on the committee shall remain until next scheduled elections.

## **PART 10: INSURANCE COVERAGE**

All descriptions of insurance contained below are subject to change without notice based on the actual policies in force at any time. MMU will make reasonable effort to inform the employees of changes to the policies and to update the following sections as they occur. Current policy information may be obtained from the Manager of Employee and Customer Relations.

### **1. TERM LIFE INSURANCE COVERAGE**

MMU presently has a group life insurance program under which a full-time employee is eligible for \$20,000.00 of coverage, with the cost borne by MMU.

### **2. GROUP MEDICAL INSURANCE COVERAGE**

MMU has a group medical insurance plan under which coverage for each full-time employee is automatic and paid in full by MMU. An employee may cover his/her dependents at a scheduled premium, paid through payroll deductions. Detailed information on the medical coverage is in the Group Insurance Certificate and Handbook. MMU will pay one-half (1/2) of the monthly premium for the employee's dependent insurance.

New employees may obtain dependent health insurance by signing an application card with the Manager of Employee and Customer Relations. If applied for more than 31 days after beginning work, a health questionnaire must be completed and evidence of insurability is required.

Premium payments for insurance coverage while an employee is on an approved leave of absence are covered as outlined below:

- A. Paid Leave of Absence: MMU will pay the scheduled insurance premium for full-time employees and will withhold from the employees paycheck the necessary insurance premium for dependent coverage during any pay period in which he/she draws compensation for either active work or paid leave.
- B. Leave of Absence Without Pay: MMU will continue to pay the scheduled insurance premiums for employees during an authorized leave of absence in accordance with Part 7, Paragraph 5.
- C. Workers' Compensation: Insurance premiums for the employee will be paid by MMU while on Workers' Compensation. MMU will continue to pay its portion of the premium for dependent coverage while the employee is on Workers' Compensation provided the employee's dependents were covered prior to the accident/illness. This coverage will continue for no more than six (6) months unless a longer term is approved by Board action, and shall terminate upon a determination that the employee is permanently disabled. The employee is responsible for making arrangements with the Accounting Department to make direct payments for the employee's portion of the dependent coverage premium.

### 3. WORKERS' COMPENSATION AND INJURY LEAVE

- A. A full-time employee who has sustained an on-the-job injury may be entitled to draw from any accumulated unused paid time off in addition to his/her Workers' Compensation.
- B. Department Directors may make a recommendation to the Board for a Leave of Absence beyond the expiration of the Workers' Compensation benefits.
- C. The Board has provided for the payment of Workers' Compensation benefits through Workers' Compensation Insurance. Benefits commence on the fourth day of absence from work due to a work-related injury or illness.
- D. Any employee who is injured in the course of his/her employment must notify his/her supervisor of the injury immediately following the injury and no later than the end of the shift in which the injury occurred. The supervisor will ensure arrangements for medical treatment are made, if necessary, and ensure that incident reports are completed and sent to the Employee Relations Manager. If medical treatment is necessary, the injured employee will be paid regular straight time wages for the initial visit to an authorized physician but such time shall not exceed 8 hours in that day nor shall it include compensation for time when they would not otherwise be on duty.
- E. Employees are encouraged to schedule any follow-up appointments for treatment, diagnostics, therapy, etc. outside of their normal work shift. When this is not possible and the employee is otherwise working (not off work), they will receive regular straight time wages for time necessarily spent for authorized follow-up medical visits. Such time shall not exceed 8 hours in one day, nor shall it include compensation for time when they would not otherwise be on duty (such as when they are receiving Workers' Compensation or disability benefits). Employees are required to provide documentation from the provider for each medical visit.

### 4. SHORT-TERM DISABILITY

The Board has purchased a short-term disability insurance plan which will supplement up to 60% of the employee's gross income during short-term illness or disability. Payment levels may vary per individual as described in the insurance plan. Benefits commence on the eighth day of absence from work due to illness or disability, or on the first day due to a non-work-related accident, and extend until the employee either returns to work or until 6 months have elapsed. There is no charge to the employee for this insurance plan. A complete explanation may be obtained from the Manager of Employee and Customer Relations.

## 5. LONG-TERM DISABILITY

The Board has also purchased a long-term disability insurance plan which will supplement up to 60% of the employee's gross income during an extended illness or disability. Payment levels may vary per individual as described in the insurance plan. Benefits commence after 6 months of absence from work due to illness or disability and extend to the Maximum Payable Period as defined in the Schedule of Benefits in the policy in force. There is no charge to the employee for this insurance plan. A complete explanation may be obtained from the Manager of Employee and Customer Relations.

## **PART 11: MISCELLANEOUS**

### **1. SUGGESTION PROGRAM**

**Purpose:** Marshall Municipal Utilities is dedicated to providing quality service to the community in the best and most economical way possible. In order to fulfill that obligation, management recognizes that ideas come from everybody. To create a better way of doing business, management is charged with encouraging and listening to suggestions of how we may conduct our day-to-day operations, or unique projects, in the most economical and efficient methods.

**Scope:** MMU's suggestion program is available to all employees, part-time and full-time. Management must encourage employees to submit their ideas for evaluation regardless of individual opinion or magnitude. Monetary awards will be presented to non-management employees whose suggestions are adopted. To qualify for an award, a suggestion must improve procedures so as to save money, time, materials or other significant resources that can be measured.

**Responsibility:** The General Manager has overall responsibility for the suggestion program. Department Directors and other management personnel have the responsibility to encourage and assist their employees in formalizing and submitting suggestions. Department Directors should screen suggestions for corrections. Employees of MMU are responsible for ensuring that their ideas are submitted in accordance with this policy.

**Procedures:** Employees having a suggestion that they believe will improve procedures or operations are encouraged to formally submit their ideas to management for evaluation. Suggestions must 1) be typed or legibly printed, 2) identify the department affected, 3) state current procedures, 4) state recommended change, and 5) identify benefit to MMU. Suggestions should be forwarded through the Department Director affected by the recommendation to the Manager of Employee and Customer Relations, but may be submitted directly to the Manager of Employee and Customer Relations. All suggestions will be addressed at a meeting of Department Directors and may include other personnel as directed by the General Manager. All suggestions discussed at such meeting will receive a formal reply regardless of decision.

**Incentives and Awards:** Employees having a suggestion adopted will receive a monetary award of up to 10% of the annual savings to be realized by MMU or \$1,000.00, whichever is less. The percentage and dollar amount of the award will be determined by the convening board of Department Directors and other personnel at that meeting.

### **2. EMPLOYEE RECOGNITION PROGRAM**

**Purpose:** To recognize and reward outstanding service to Marshall Municipal Utilities and the community.

**Requirements:** To be recognized as "Employee of the Quarter," employee must be nonsalaried, have been employed for at least six months and not be on probation. Additionally, employee must not have had any documented disciplinary measures entered into their personnel file within twelve months preceding the award month. Employees may only be selected as "Employee of

the Quarter” once in a twelve-month period. All employees nominated for “Employee of the Quarter” will be eligible for nomination as “Employee of the Year.”

Procedures: Not later than the fifth work day of October, January, April and July, Department Directors will submit their nomination for “Employee of the Quarter” for the previous quarter, to the Manager of Employee and Customer Relations. A nomination can be for any eligible employee and need not be from the nominators own department but, each Department Director is limited to one nomination per quarter. Nominations will be submitted using the attached form. As soon as practical after the nominations have been submitted, the Manager of Employee and Customer Relations will send the nominations to the Employee Representative Committee (ERC) members. The ERC members will read all nominations and each member will submit a secret ballot to the Manager of Employee and Customer Relations. If a member of the ERC is a nominated employee, he/she will not vote. The Manager of Employee and Customer Relations will collect the ballots and tally the votes. In case of a tie, the Manager of Employee and Customer Relations will inform the ERC members and they will vote again only for those nominations involved in the tie. The Manager of Employee and Customer Relations will inform the General Manager of the selected employee. The General Manager will, at his earliest opportunity, announce the “Employee of the Quarter.” Such announcement should take place in the presence of the appropriate Department Director and as many of the employee’s peers as can be assembled. In October of each year, the ERC will review the previous quarterly nominees and select an “Employee of the Year” using the same procedures as were used to determine quarterly winners. Additional pertinent information may be submitted by a Department Director to be attached to the nominations for review before selection of the “Employee of the Year.” The “Employee of the Year” will be announced at the annual employee Christmas dinner.

Awards: The selected “Employee of the Quarter” will receive, at a minimum, an MMU logo wristwatch or choice of another prize of relative equal value, a \$50.00 U.S. Savings Bond and an “Employee of the Quarter” plaque. The selected “Employee of the Year” will receive, at a minimum, an MMU logo wristwatch or choice of another prize of relative equal value, a \$100.00 U.S. Savings Bond, and an “Employee of the Year” plaque. A picture of and narrative about all quarterly and annual award winners will be prominently displayed in the lobby of the Business Office and in other appropriate locations throughout MMU and a news release will be forwarded to the Democrat News and to KMMO radio. Management reserves the right to change and substitute prizes of relative equal value.