



AGENDA
City of Roeland Park, Kansas
Governing Body Meeting
City Hall, 4600 W 51st Street
January 6, 2025 6:00 PM

- | | | |
|--|--|---|
| • Michael Poppa, Mayor | • Emily Hage, Council Member, Ward 3 | • Keith Moody, City Administrator |
| • Jan Faidley, Council Member, Ward 1 | • Kate Raglow, Council Member, Ward 3 | • Jennifer Jones-Lacy, Asst. Admin. |
| • Tom Madigan, Council Member, Ward 1 | • Matthew Lero, Council Member, Ward 4 | • Kelley Nielsen, City Clerk |
| • Benjamin Dickens, Council Member, Ward 2 | • Jeffrey Stocks, Council Member, Ward 4 | • John Morris, Police Chief |
| • Jennifer Hill, Council Member, Ward 2 | | • Donnie Scharff, Public Works Director |

Council Standing Committees

Admin
Lero
Faidley

Finance
Stocks
Dickens

Safety
Hage
Hill

Public Works
Raglow
Madigan

I. Approval of Minutes

- A. Governing Body Workshop Meeting Minutes November 18, 2024

II. Discussion Items

- A. Review Chapter 8 - Health and Welfare - 2nd Half (15 min)
- B. Review Chapter 9 - Municipal Court (5 min)
- C. Discuss Updates to Employee Handbook - Per Diem, Cell Phone Allowance, Pool and Fitness Room Membership
- D. Discuss Update and Translate Procedural Rules Printed on the Back of City Council and Governing Body Workshop Agendas
- E. Discuss Small Business Incentives (10 min)

III. Non-Action Items

IV. Committee Minutes

V. Adjournment

Welcome to this meeting of the Committee of the Whole of Roeland Park.

Below are the Procedural Rules of the Committee

The governing body encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.

A. Audience Decorum. Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.

B. Public Comment Request to Speak Form. The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.

C. Purpose. The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.

D. Speaker Decorum. Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.

E. Time Limit. In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.

F. Speak Only Once Per Agenda Item. Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.

G. Addressing the Committee of the Whole. Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens and individual Committee Members, members of staff, or the seated audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.

H. Agendas and minutes can be accessed at www.roelandpark.org or by contacting the City Clerk

The governing body welcomes your participation and appreciates your cooperation. If you would like additional information about the Committee of the Whole or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: I. Approval of Minutes



City of Roeland Park
Action Item Summary

Submitted By:

Committee/Department: Administration

Title: Governing Body Workshop Meeting Minutes November 18, 2024

Item Type: Action Item

Recommendation:

Details:

Fiscal Impact	
Amount of Request:	
Budgeted item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

Diversity Equity & Inclusion Lens

What are the implications to intersectionality?

- Does this item benefit all racial groups?
- Does this item benefit Community for All Ages?
- Does this item exclude or disproportionately impact any social identities? If yes, what populations and why?
- What (if any) social determinants of health are impacted by this item?
- What (if any) are the unintended economic and environmental impacts of this item?
- How has the impacted community been involved?
- How will the program be communicated to all stakeholders?

ATTACHMENTS:

1. Governing Body Workshop Meeting Minutes November 18, 2024

CITY OF ROELAND PARK, KANSAS
GOVERNING BODY WORKSHOP MINUTES
ROELAND PARK CITY HALL
4600 WEST 51ST STREET, ROELAND PARK, KS 66205
November 18th, 2024, 6:00 P.M.

- Michael Poppa, Mayor
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Emily Hage, Council Member
- Jennifer Hill, Council Member

- Matthew Lero, Council Member
- Tom Madigan, Council Member
- Kate Raglow, Council Member
- Jeffrey Stocks, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. City Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

(Roeland Park Governing Body Workshop Meeting Called to Order at 8:28 p.m.)

I. MINUTES

- 1. Governing Body Workshop Meeting Minutes October 21, 2024**
- 2. Governing Body Workshop Meeting Minutes November 4, 2024**

The minutes were approved as submitted.

II. DISCUSSION ITEMS

- 1. Discuss Policy on Residential Rate for Season Passes for Student and Teachers at Roeland Park Schools**

Parks and Recreation Superintendent Marshall clarified for the Governing Body that anyone who attends a Roeland Park school, whether that is at Horizons Academy, Bishop Miege, St. Agnes, or Roesland Elementary, they will be eligible for the resident rate season pass.

CMBR Hage said their committee had talked about it at their past two meetings. They want to be creative about engaging families to become connected to the Roeland Park community. They hope these pass rates will help to get the schools engaged in promoting the pool. The Aquatics Committee is in support of this effort.

Mr. Marshall said they want an open-door pool policy. He will also make and distribute a flyer to the schools as the next season gets closer.

CMBR Faidley said there are over 1,400 students in Roeland Park and their families. If they only get a small portion of them, it could make a big difference in their pool numbers. It is also a gesture of good will from the City.

Mr. Marshall said this is the first step in promoting those season passes. They can track those statistics in their new software.

There was agreement to move approval of this policy to the Consent Agenda at the December 2nd City Council meeting.

III. COMMITTEE MINUTES

There were no minutes submitted.

IV. ADJOURN

CMBR Raglow adjourned the meeting.

(Roeland Park Workshop Adjourned at 8:32 p.m.)

Item Number: II. Discussion
Items



City of Roeland Park
Action Item Summary

Submitted By:

Jennifer Jones-Lacy, Assistant City Administrator Director of Finance

Committee/Department: Administration

Title: Review Chapter 8 - Health and Welfare - 2nd Half (15 min)

Item Type: Action Item

Recommendation:

To review the recommended changes to the second half of Chapter 8 on Health & Welfare in the Municipal Code.

Details:

This section of Chapter 8 involves Articles 7 - 11. City staff including the Codes Officer, Assistant City Administrator and City Attorney have reviewed the code for recommended changes. The DEI Committee has also reviewed. Staff will review the attached redlined code section with only two significant changes:

- Article 8 - Noise: rewriting some of the language for clarity.
- Article 12 - Protecting Public Safety and Community Resources Act: After the 2022 ordinance was approved addressing the new state law, a few sections were not properly removed so we'll address that. Otherwise there is only one other subsection under municipal court that Legal recommends removing because it would be a violation of state law. Staff will review during hte meeting.

Fiscal Impact	
Amount of Request:	
Budgeted item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

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- Does this item exclude or disproportionately impact any social identities? If yes, what populations and why?
- What (if any) social determinants of health are impacted by this item?
- What (if any) are the unintended economic and environmental impacts of this item?
- How has the impacted community been involved?
- How will the program be communicated to all stakeholders?

ATTACHMENTS:

1. Ch. 8 - Articles 7 -12 redlined

ARTICLE 7. INOPERABLE, ABANDONED VEHICLES

Sec. 8-701. Finding of Governing Body.

The Governing Body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles constitute nuisances affecting the health, safety and general welfare of citizens of the City because they:

- (a) Serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;
- (c) They are ready source of fire and explosion;
- (d) Encourage pilfering and theft;
- (e) Constitute a blighting influence upon the area in which they are located; or
- (f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

(Code 1998)

Sec. 8-702. Definitions.

As used in this article, unless the context clearly indicates otherwise:

- (a) *Inoperable* means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed;
- (b) *Vehicle* means any automobile, truck, tractor, motorcycle or other means of conveyance, required to be licensed by the State Motor Vehicle Department regardless of whether it contains an engine.
Vehicle shall also mean any trailer or apparatus designed to be hauled by a vehicle.

(Code 1986)

Commented [AF1]: I've had this issue come up before in other cities, trying to avoid this issue in RP. Sometimes trailers are abandoned, and owners have tried to get around this by saying the trailer isn't an abandoned *vehicle*.

Sec. 8-703. Motor Vehicle Nuisances Unlawful; Defined; Exceptions.

It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the City.

- (a) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149, inclusive, and amendments thereto; or parked in violation of City ordinances; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable:
 - (1) Absence of a current registration plate upon the vehicle;
 - (2) Placement of the vehicle or parts thereof upon jacks, blocks or other supports;
 - (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon a street or highway.
- (b) The provisions of this section shall not apply to:

-
- (1) Any motor vehicle which is enclosed in a garage or other building;
 - (2) The parking or storage of a vehicle inoperable for a period of ten consecutive days or less; or
 - (3) Any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.

(Code 1998)

Sec. 8-704. Public Officer; Procedures.

- (a) The City Administrator shall designate a public officer to be charged with the administration and enforcement of this article. The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a motor vehicle nuisance exists and describing the same and where located or upon being informed by the Chief of Police or the fire department that a nuisance may exist. The public officer may make such inquiry and inspection when ~~he or she~~they observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the public officer shall make a written report of findings.
- (b) Any person found by the public officer to be in violation of section 8-703 shall be served a notice of such violation. The notice shall be served by certified mail, return receipt requested; provided, however, that if the owner or his or her agent in charge of the property is a resident of Johnson County, Kansas, the notice may be personally served by the public officer or a law enforcement officer.
- (c) The notice shall state the condition(s) which is (are) in violation of section 8-703. The notice shall also inform the person that:
 - (1) He, she or they shall have ten days from the date of service of the notice to abate the condition(s) in violation of section 8-703; or
 - (2) He, she or they shall have ten days from the date of service of the notice to request a hearing before the Governing Body of the matter as provided by subsection (d); and
 - (3) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by section 8-705 and/or abatement of the condition(s) by the City as provided by section 8-706.
- (d) If a hearing is requested within the ten-day period as provided in subsection (d), such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the Governing Body. The hearing shall be held by the Governing Body as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in subsection (c).

(Code 2014)

Sec. 8-705. Failure to Comply; Penalty.

Should the person fail to comply with the notice to abate the motor vehicle nuisance or to request a hearing before the Governing Body, the public officer may file a complaint in the municipal court of the City against such person and, upon conviction of any violation of the provisions of section 8-703, be fined in an amount not to exceed \$100.00 ~~or be imprisoned not to exceed 30 days or be both fined and imprisoned~~. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

(Code 1998)

Commented [JJ2]: DEI requested dropping imprisonment

Sec. 8-706. Abatement of Motor Vehicle Nuisances.

In addition, ~~or~~ as an alternative, ~~to~~ prosecution as provided in section 8-705, the City may remove and abate motor vehicle nuisances from property other than public property or property open to use by the public. Disposition of any such vehicle shall be in compliance with the procedures for impoundment, notice and public auction provided by sections 8-707—8-709.

(Code 1998)

Sec. 8-707. Abandoned Vehicles; Authority to Remove.

Whenever any person shall abandon and or leave a vehicle unattended on a street or other property open to use by the public for more than 48 hours or when the motor vehicle interferes with public highway operations, the City may remove and impound the motor vehicle.

(Code 1998)

Sec. 8-708. Same; Notice.

Any motor vehicle which has been impounded pursuant to section 8-707 shall be disposed of in the following manner:

- (a) If such motor vehicle has displayed thereon a registration plate issued by the Kansas Division of Vehicles and has been registered with the division, the City shall mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of the record in the county in which the title shows the owner resides, stating that if the owner or lienholder does not claim such motor vehicle and pay the removal and storage charges incurred by the City on it within 15 days from the date of the mailing of the notice, that it will be sold at public auction to the highest bidder for cash. The City shall inquire by mail of the Division of Vehicles concerning the last registered owner and any lienholders, if any.
- (b) After 15 days from the date of mailing notice, the City shall publish a notice once each week for two consecutive weeks in a newspaper of general circulation within Johnson County, which notice shall describe the motor vehicle by name of maker, model serial number, and owner, if known, and stating that it has been impounded by the City and that it will be sold at public auction to the highest bidder for cash if the owner thereof does not claim it within ten days of the date of the second publication of the notice and pay the removal and storage charges and publication costs incurred by the City.
- (c) If the motor vehicle does not display a registration plate issued by the Kansas Division of Vehicles and is not registered with the Division, the City after 30 days from the date of impoundment may publish a

notice in a newspaper of general circulation in Johnson County, which notice shall describe the motor vehicle by name of maker, model, color and serial number, and shall state that it has been impounded by the City and will be sold at public auction to the highest bidder for cash if the owner thereof does not claim it within ten days of the date of the second publication of the notice and pay the removal and storage charges and publication costs incurred by the City.

(Code 1998)

Sec. 8-709. Same; Sold at Auction.

- (a) Whenever the City has complied with the provisions of section 8-708 and the owner thereof does not claim it within the time stated in the notice and pay the removal and storage charges and publication costs incurred by the City on such motor vehicle, the City may sell the motor vehicle at public auction to the highest bidder for cash.
- (b) After any sale pursuant to this section, the purchaser may file proof thereof with the Division of Vehicles, and the Division shall issue a certificate of title to the purchaser of such motor vehicle. All monies derived from the sale of motor vehicles pursuant to this section, after payment of the expenses of the impoundment and sale, shall be paid into a fund of the City which is used by it for the construction or maintenance of streets.

(Code 1998)

Sec. 8-710. Same; on Private Property.

- (a) Any person who shall abandon and leave any vehicle on any real property, other than public property or property open to use by the public, which is not owned or leased by such person or by the owner or lessee of such vehicle, shall be guilty of trespass. Upon request of the owner or occupant of such real property the City or its designated agent may remove and dispose of such vehicle in the manner provided in this article except that the provisions that a motor vehicle be abandoned for a period of time in excess of 48 hours prior to its removal shall not be applicable to abandoned vehicles which are subject to the provisions of this section.
- (b) Any person removing such vehicle from the real property at the request of the City shall have a possessory lien on such vehicle for the costs incurred in removing, towing and storing such vehicle.

(Code 1986)

Sec. 8-711. Enforcing Officer.

The Chief of Police is hereby designated as the enforcing officer of the City and charged with the administration of the provisions of this article.

(Code 1986)

ARTICLE 8. NOISE

Sec. 8-801. Purpose.

It is found and declared that:

- (a) The making and creation of loud, unnecessary or unusual noises within the limits of the City is a condition which has existed for some time and the extent and volume of such noises is increasing;

(Supp. No. 16, Update 3)

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- (b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City; and
 - (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public prohibitions hereinafter contained and enacted, are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City and its inhabitants.

(Code 1986)

Sec. 8-802. Standards.

The standards which shall be considered in determining whether a violation of this article exists shall include, but shall not be limited to the following:

- (a) The volume of the noise;
- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) Whether the origin of the noise is natural or unnatural;
- (e) The volume and intensity of the background noise, if any;
- (f) The proximity of the noise to residential sleeping facilities;
- (g) The nature and zoning of the area within which the noise emanates;
- (h) The density of the inhabitation of the area within which the noise emanates;
- (i) The time of the day or night the noise occurs;
- (j) The duration of the noise;
- (k) Whether the noise is recurrent, intermittent or constant; and
- (l) Whether the noise is produced by a commercial or noncommercial activity.

(Code 1986)

Sec. 8-803. Prohibition Generally.

- (a) It shall be unlawful for any person to make, continue or allow to be made or continued, any excessive, unnecessary, unusual or loud noise which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use and enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual within the limits of the City.
- (b) The acts mentioned in the following sections of this article among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

(Code 2014)

Sec. 8-804. Horns, Signaling Devices, Etc.

- (a) ~~The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any reasonable loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time is unlawful. No person shall sound any horn or audible signal device of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.~~
- (b) ~~The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust.~~

(Code 1986)

Commented [JJ3]: From PV, much simpler.

Commented [JJ4]: This doesn't actually say anything. I think it was meant to say ...is unlawful. But I would just as soon delete this section?

Commented [AF5R4]: Agreed, I am ok with its removal.

Sec. 8-805. Radios, Phonographs, Loudspeakers, Etc.

- (a) ~~No person shall operate, play, permit or cause to be operated or played any sound amplification or producing device or similar equipment in a manner as to cause a sound capable of being heard across any property boundary line between the hours of 11:00 p.m. and 7:00 a.m.~~

~~The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, loudspeakers, phonograph, tape player, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto is unlawful.~~

- (b) ~~The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.~~

(Code 1986)

Commented [JJ6]: Got this from OPK, much simpler

Commented [JJ7R6]: @Alex: The only difference is that they define "Sound Amplification or Producing Device or Similar Equipment". Do you think we need to define this?

Sec. 8-806. Construction or Repairing of Buildings.

The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. is unlawful, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest, the inspector may grant permission for such work to be done within the hours of 9:00 p.m. and 7:00 a.m., upon application being made at the time the permit for work is awarded or during the progress of the work.

(Code 1986)

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(Supp. No. 16, Update 3)

ARTICLE 9. NOXIOUS WEEDS, GRASS AND OVERHANGING TREES AND SHRUBS¹

Sec. 8-901. Definitions.

The following terms, as used in this article, unless the context specifically indicates otherwise, are defined as follows:

- (a) *Invasive plant*: A vegetation species that grows aggressively in the state of Kansas including:
- Autumn olive (*Elaeagnus umbellata*)
 - Black locust (*Robinia pseudoacacia*)
 - Bush honeysuckles (*Lonicera maackii*)
 - Common buckthorn (*Rhamnus cathartica*)
 - Crown vetch (*Securigera varia*)
 - Garlie mustard (*Alliaria petiolata*)
 - Gray dogwood (*Cornus racemosa*)
 - Honey locust (with seeds) (*Gleditsia triacanthos*)
 - Japanese honeysuckle (*Lonicera japonica*)
 - Leafy spurge (*Euphorbia esula*)
 - Osage orange (*Maclura pomifera*)
 - Reed canary grass (*Phalaris arundinacea*)
 - Sericca lespedeza (*Lespedeza cuneata*)
 - Sesbania (*Sesbania punicea*)
 - Smooth sumac (*Rhus glabra*)
 - Sweet clover (white and yellow) (*Melilotus albus* and *Melilotus officinalis*)
 - Wintercreeper (*Euonymus fortune*)
- (b) *Noxious plants* means poison ivy, poison oak and poison sumac, at any height or state of maturity;
- (c) *Noxious weeds* means all vegetation which may give off unpleasant or noxious odors, or transmit pollen into the air at any state of maturity, and which exceeds eight inches in height. The Kansas Noxious Weed Law, K.S.A. 2-1314 et seq., and amendments thereto, requires all persons who own or supervise land in Kansas to control and eradicate all weeds declared noxious by legislative action.

The weeds declared noxious are:

¹Editor's note(s)—Ord. No. 958, § 4, adopted Nov. 20, 2017, amended the title of Art. 9 to read as set out herein. The former Art. 9 title pertained to noxious weeds and grass.

- Bull Thistle (County Option)
- Bur Ragweed (*Ambrosia grayi*)
- Canada Thistle (*Cirsium arvense*)
- Common teasel (*Dipsacus sylvestris*)
- Cut-leaved teasel (*Dipsacus laciniatus*)
- Field Bindweed (*Convolvulus arvensis*)
- Hoary Cress (*Cardaria draba*)
- Johnsongrass (*Sorghum halepense*)
- Kudzu (*Pueraria lobata*)
- Leafy Spurge (*Euphorbia esula*)
- Marijuana (*Cannabis sativa*)
- Multiflora Rose (*Rosa multiflora*)
- Musk Thistle (*Carduus nutans*)
- Pignut (*Hoffmannseggia*)
- Purple loosestrife (*Lythrum salicaria*)
- Quackgrass (*Agropyron repens*)
- Russian Knapweed (*Centaurea repens*)
- Scotch thistle (*Onopordum acanthium*)
- Sericea Lespedeza (*Lespedeza cuneata*)

- (d) *Owner* includes the real and actual owner of the fee title, the life tenant, occupant, tenant, lessee, tenant at will, tenant at sufferance, adverse possessor, and any other person, firm, partnership, corporation or association, or any agent, broker or representative thereof, asserting or having any right, title or interest in any lot, tract or parcel of land in the City. The land records filed in the office of the recorder of deeds of the county within which any such lot, tract or parcel of land is located, and any other official record of such county or of the City, may be used to determine such owner, as herein-before defined as of any given date;
- (e) *Turf Weed*: Broadleaf weeds, annual and perennial grasses, that invade or disrupt the uniformity of turf grass lawns.

Sec. 8-902. Owner to Cut Noxious Weeds and Grass.

Unless otherwise set forth by resolution of the City Council, the owner, as defined in section 8-901 hereof, of any lot or tract of land which abuts or fronts a City right-of-way or easement shall keep the City right-of-way or easement free and clear of all noxious weeds as defined by K.S.A. 2-1314, and amendments thereto, noxious plants and noxious weeds as defined in 8-901 hereof, and grass in excess of eight inches in height or in length if such grass is matted down.

(Ord. No. 500, § 1; Ord. No. 981, § 2, 6-17-2019)

Sec. 8-903. Mitigation of Noxious Plants, Invasive Plants.

Failure to control or remove listed noxious plants, invasive plants and noxious weeds in such a manner that constitutes a hurt, injury, inconvenience, or danger to the health safety or welfare of the public or residents and occupants of the immediate vicinity shall be a public offense. Managed stands of native plants, ornamental grasses, or shrubs, and cultivated agricultural crops, vegetable gardens or flower gardens exceeding 12 inches in height are permitted provided they are maintained free of turf weeds and that grasses, nuisance plants, invasive plants and noxious weeds, are kept at least four feet from a property line, and do not impair sight distance, or constitute a hurt, injury, inconvenience or danger to the health safety or welfare of the public residents and occupants of the immediate vicinity.

Sec. 8-904. Nuisance Conditions.

- (a) All trees, hedges, plantings or other growth on any private property or in the parking areas abutting or over any public street, lower than 16 feet above the traveled portion of such street which obstructs the vision of any person, pedestrian or driver of a vehicle using the public streets, of persons or vehicles approaching from other directions on the same or other public streets, or which poses a hazard to vehicles using the public streets, shall be a nuisance subject to abatement in accordance with Section 8-905 or 8-906 of this chapter.
- (b) All trees, hedges, planting or other growth over a public sidewalk lower than eight feet above the sidewalk shall be considered a nuisance.

(Ord. No. 958, § 5, 11-20-2017)

Editor's note(s)—Ord. No. 958, §§ 5—8, adopted Nov. 20, 2017, renumbered the former §§ 8-904—8-906 as §§ 8-905—8-907 and enacted a new § 8-904 to read as set out herein. The historical notations have been retained with the amended provisions for reference purposes.

Sec. 8-905. Abatement of Nuisance; Procedure.

- (a) Whenever the Code Enforcement Officer or other appropriate officer of the City determines that noxious weeds, noxious plants, invasive plants, grass, or overhanging trees or shrubs as defined by Section 8-902, 8-903, or 8-904 exists upon any lot or tract of land within the City, such officer shall forthwith notify the City Clerk.
- (b) The City Clerk shall issue a notice to the owner, occupant or agent by certified mail, return receipt requested, or by personal service to cut, trim or destroy such weeds, grass, shrubs or trees. The City shall grant extensions of such ten-day time period if the owner or agent of the property demonstrates that due diligence is being exercised in abating the nuisance. The order shall state that before the expiration of the waiting period or any extension thereof, the recipient thereof may request a hearing before the City or its designated representative. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.
- (c) If the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the governing body of a city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided by subsection (b) or as provided in this subsection. Except as specifically provided in this subsection, the governing body may provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied

and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

- (d) The City shall give notice to the owner, occupant or agent by certified mail, return receipt requested, of the total cost of such cutting or removal incurred by the City. The City may also recover the cost of providing notice, including postage required by this section. Such notice shall also state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost of such removal or abate is not paid within the 30 days period, the City may levy a special assessment for such costs against the lot or piece of land in the same manner as provided in K.S.A. 12-1617e, and amendments thereto, or the City may collect the costs in the manner provided by K.S.A. 12-1,115, and amendments thereto. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full costs and any applicable interest has been paid in full.

(Ord. No. 469; Code 1998; Ord. No. 958, § 6, 11-20-2017)

Editor's note(s)—See the editor's note to § 8-904.

Sec. 8-906. Same; Alternative Procedure.

- (a) As an alternative to the procedures set forth in Section 8-904, the City may cause the abatement of noxious weeds, noxious plants, or grass, or overhanging trees and shrubs as provided in Section 8-902, 8-903 and 8-904 in accordance with the following procedures.
- (b) At least once each calendar year the City shall give written notice of the removal policy provided herein by mail or personal service to the owner, occupant or agent of any property within the City. Such notice shall include the same information required by Section 8-905. In addition, such notice shall include a statement that no further notice shall be given prior to removal of noxious weeds, plants, grass, or overhanging trees or shrubs.
- (c) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the City may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds, plants or grass on such property unless the new record owner of title to such property is provided notice as required by this section.

(Ord. 469; Code 1998; Ord. No. 958, § 7, 11-20-2017)

Editor's note(s)—See the editor's note to § 8-904.

Sec. 8-907. Violation; Penalty.

Any person violating any of the provisions of this article shall be punished by a fine of not more than \$499.00 ~~and imprisonment for not more than 30 days or both such fine and imprisonment.~~ Each day on which grass, noxious weeds, rank weeds or noxious plants remain on any premises after the duty of the owner arises under this article to cut and remove or destroy same constitutes a separate offense for which the owner thereof may be fined separately, without necessity of further notices.

(Ord. No. 500, § 3; Ord. No. 958, § 8, 11-20-2017)

Editor's note(s)—See the editor's note to § 8-904.

ARTICLE 11. INSURANCE PROCEEDS FUND

Commented [JJ8]: DEI recommendation

Commented [JJ9]: @Alex - any idea if this is standard practice? I noticed that OPK repealed theirs. I also saw this in PV's code:

INSURANCE PROCEEDS; PROOF OF REPAIRING OR REBUILDING.

[Share Link to section](#)[Print section](#)[Download \(Docx\) of sections](#)[Email section](#)[Compare versions](#)

In lieu of the payment of insurance proceeds, the insured may present satisfactory proof to the building official that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the building official along with the city clerk shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the city shall not be paid, subject to any lien created by the city should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineering plans, subject to approval by the building official, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the building official to demonstrate that the repairs or rebuilding will be completed in a timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of continuation of proceedings for abatement.

(Ord. No. 2459, § 1(6-206), 11-15-2021; Ord. No. 2467, § 1, 2-22-2022)

Sec. 8-1101. Scope and Application.

The City is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the City, arising out of any fire, explosion, or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

(Code 1998)

Sec. 8-1102. Lien Created.

The Governing Body of the City hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, caused by or arising out of any fire, explosion, or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(Code 1998)

Sec. 8-1103. Same; Encumbrances.

Prior to final settlement on any claim covered by section 8-1102, the insurer or insurers shall contact the county treasurer, Johnson County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Johnson County, Kansas.

(Code 1998)

Sec. 8-1104. Same; Pro Rata Basis.

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

(Code 1998)

Sec. 8-1105. Procedure.

- (a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to the sum of 15 percent of the covered claim payment, unless the chief Building Official of the City has issued a certificate to the insurance company or companies

Commented [AF10]: We should keep this as part of our code. This code was passed to ensure the City would not be stuck with an empty shell of a building on one of the lots within the City after a fire. The fear is that the property owner could take the insurance proceeds and simply move on, leaving the City with having to clean up the mess.

We suspect OP repealed this Section because the value of vacant lots in their City probably far exceeds whatever cost to remove the destroyed structure, so this is not a practical problem.

We liken this part of the code to another tool on our belt. Likely we will not have to enforce it, but would be good to have if we did need to enforce.

that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

- (b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
- (c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Chief building Official shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this article.

(Code 2003)

Sec. 8-1106. Fund Created; Deposit of Moneys.

The City Treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the City Treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account.

(Code 1998)

Sec. 8-1107. Building Official; Investigation, Removal of Structure.

- (a) Upon receipt of moneys as provided for by this article, the City Treasurer shall immediately notify the Chief Building Official of said receipt, and transmit all documentation received from the insurance company or companies to the Chief Building Official.
- (b) Within 20 days of the receipt of said moneys, the Chief Building Official shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.
- (c) Prior to the expiration of the 20 days established by subsection (b) of this section, the Chief Building Official shall notify the City Treasurer whether ~~he or she~~they intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.
- (d) If the Chief Building Official has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, ~~he or she~~they will do so immediately but no later than 30 days after receipt of the moneys by the City Treasurer.
- (e) Upon notification to the City Treasurer by the chief Building Inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies.

(Code 1998)

Sec. 8-1108. Removal of Structure; Excess Moneys.

If the chief Building Official has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

(Code 1998)

Sec. 8-1109. Same; Disposition of Funds.

If the Chief Building Official, with regard to a building or other structure damaged by fire, explosion, or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under the authority of section 8-1105(a) relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Chief Building Official shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under section 8-1105(a), the Chief Building Official shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

(Code 1998)

Sec. 8-1110. Effect Upon Insurance Policies.

This article shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

(Code 1998)

Sec. 8-1111. Insurers; Liability.

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article. ;hn0; (Code 1998)

**ARTICLE 12. PROTECTING PUBLIC SAFETY AND COMMUNITY
RESOURCES ACT**

Sec. 8-1201. Definitions.

As used in this Chapter:

- (A) *Alienage* means the state or condition of not being a citizen of the United States.
- (B) *Immigration and Customs Enforcement (ICE)* means the federal law enforcement agency primarily responsible for the enforcement of federal immigration laws.
- (C) *Immigration status* means matters regarding questions of citizenship of the United States or any other country and the authority to reside in or otherwise be present in the United States.

Commented [AF11]: There should be a discussion at Workshop regarding this Act. The Kansas Legislature preempted this Act in 2022, banning most of these provisions. This Act should probably be removed from the Code, as we would not want to put our police officers in the impossible position of state law saying one thing and our code saying another.

If, for legacy reasons, we wanted to leave this in the Code, there should be some notation that these provisions are no longer operative as of April 11, 2022, when the state law was passed.

Happy to start that discussion at workshop.

~~(Dd)~~ *Resident* means any person whose primary place of habitation falls within the geographic boundaries of the City of Roeland Park, Kansas.

(Ord. No. 1005, 12-21-2020; Ord. No. 1032, 6-21-2022)

Sec. 8-1202. Finances and City Services.

Unless required by federal or state statute, regulation, or court decision, no department, agency, commission, officer, or employee of the City of Roeland Park shall:

~~(a) Use any City of Roeland Park funds or resources to assist in the enforcement of federal immigration law or to gather, transmit, or disseminate information regarding the immigration status of individuals in the City of Roeland Park.~~

~~(b) Collect immigration-related information in the provision of City services.~~

~~(Ae)~~ Discriminate on the basis of alienage or immigration status. City employees will serve all residents and City services will be accessible to all residents regardless of alienage or immigration status.

~~(Bd)~~ Refuse any valid photo identification that provides the person's name and photo. This policy shall not apply to the completion of the federally mandated I-9 forms or in the presentation of lawful authorization to operate a motor vehicle within the City or to the RPPD.

~~(Ce)~~ Limit or restrict any service, benefit, or opportunity provided by the City and all City employees shall make available to all persons residing in the City any service, benefit or opportunity provided by the City, regardless of immigration status, unless otherwise required by law.

~~(Df)~~ Require any person making payment to the City to present a valid photo identification beyond any document containing the person's name and picture, which is issued by a government, whether municipal, state, federal, or foreign.

(Ord. No. 1005, § 1, 12-21-2020; Ord. No. 1032, § 1, 6-21-2022)

Sec. 8-1203. Department Practices.

This section addresses department operations within the City. All City departments, including any not specifically listed herein, and all City employees, shall abide by all applicable sections of the Municipal Code, including the general provisions set out in ~~Section 10-502~~ herein.

(a) *Roeland Park Police Department ("RPPD").*

- (1) Members of RPPD shall comply with the department's internal "Immigration Violations" policy and any other department policies applicable to immigration or immigrants.
- (2) RPPD will seek to ensure that all persons who request the assistance of RPPD, including, but not limited to, persons who have been the victims of crime, shall feel safe in approaching the Police Department to seek help, report crimes, and aid in the investigation of offenses.
- (3) Nothing in this Article will preclude Roeland Park Police Department officials from assisting or participating in lawful warrants and criminal investigations, nor will this Article preclude Department of Homeland Security grant-procured items from being used as required by law.

(b) *Roeland Park Municipal Court.*

- (1) The Court shall provide interpretation services for defendants who do not speak English, in compliance with the law. See K.S.A. 75-4351.

Commented [AF12]: These sections were deleted in Ordinance No. 1032, and should have been removed in 2022.

Commented [AF13]: There is no Article 5 of Chapter X, such that this code section no longer exists. Removed for clarity.

~~(2) When interpretation services are provided, no inquiry shall be made regarding the person's immigration status.~~

(23) The City prosecutor shall negotiate plea agreements in a just and appropriate manner. A person's immigration status shall never be a bar to diversion programs.

(34) Public defenders under contract with the City, if any, shall be encouraged to affirmatively and competently advise defendants of the potential immigration consequences to criminal offenses, in compliance with applicable case law and any other applicable law addressing the duties of a criminal defense attorney in providing information regarding immigration. Public defenders under contract with the City should also advise such defendants to seek counsel from a trained immigration attorney. The City shall provide reference to a repository listing immigration attorneys that such defendants may contact, when appropriate.

(c) *Parks and Recreation.*

(1) City facilities and services shall never be denied to any resident of the City on the basis of a person's immigration status.

(d) *City Clerk.*

(1) A person's immigration status shall not prohibit such person from applying for and being granted a license, permit, or registration through the City Clerk's office, except as required by law.

(2) The City Clerk's office shall provide language translation services to any person upon request.

(e) *Human Resources.*

(1) Roeland Park shall comply with federal and state laws regarding employment eligibility and employment records, such as the I-9 verification process.

(Ord. No. 1005, § 2, 12-21-2020; Ord. No. 1032, § 2, 6-21-2022)

Commented [AF14]: This subsection cannot remain, as it would violate state law, which expressly states: "no municipality shall enact...an ordinance...that prohibits or restricts a...local official or local government employee, from taking the following actions with regard to...citizenship or immigration status...: (3) obtaining or maintaining information." See House Bill 2717

https://www.kslegislature.gov/li_2022/b2021_22/measures/documents/hb2717_enrolled.pdf

Item Number: II. Discussion
Items



City of Roeland Park
Action Item Summary

Submitted By:

Jennifer Jones-Lacy, Assistant City Administrator Director of Finance

Committee/Department: Administration

Title: Review Chapter 9 - Municipal Court (5 min)

Item Type: Action Item

Recommendation:

To review Chapter 9 of the City Code regarding Municipal Court

Details:

The Municipal Court Clerk, Judge and City Prosecutor reviewed Chapter 9 of the City Code and did not find anything that necessitated changes at this time. The only changes recommended by staff in this short section of the code are updating the pronouns. Those redlined changes are attached. As is customary, the code was also reviewed by the DEI Committee.

Fiscal Impact	
Amount of Request:	
Budgeted item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

Diversity Equity & Inclusion Lens

What are the implications to intersectionality?

- Does this item benefit all racial groups?
- Does this item benefit Community for All Ages?
- Does this item exclude or disproportionately impact any social identities? If yes, what populations and why?
- What (if any) social determinants of health are impacted by this item?
- What (if any) are the unintended economic and environmental impacts of this item?
- How has the impacted community been involved?
- How will the program be communicated to all stakeholders?

ATTACHMENTS:

1. Chapter 9 - Municipal Court Redlines

CHAPTER IX. MUNICIPAL COURT

ARTICLE 1. GENERAL PROVISIONS

Sec. 9-101. Municipal Court Established.

There is hereby established a Municipal Court for the City. The Municipal Court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the City. Search warrants shall not issue out of the Municipal Court.

(Code 1977, § 8-101; Code 1986)

Sec. 9-102. Same; Officers.

The officers of the Municipal Court shall be the Judge of the Municipal Court, the Chief of Police and the law enforcement officers of the City.

(Code 1977, § 8-102)

Sec. 9-103. Same; Location.

The Municipal Court shall be held at City Hall at 4600 West 51st Street, Roeland Park, Kansas, or at such other locations as deemed necessary by the Judge of the Municipal Court. In addition, the Court may conduct video arraignments at Westwood City Hall, 4700 Rainbow Boulevard, Westwood, Kansas, or any other public facility.

(Code 2014)

Sec. 9-104. Same; Practice and Procedure.

The Kansas Code of procedure for municipal courts, as set forth in K.S.A. 12-4101 et seq. and all acts amendatory or supplemental thereto shall govern the practice and procedure in all cases in the Municipal Court.

(Code 1986)

Sec. 9-105. Judge of the Municipal Court; Compensation.

The Municipal Court shall be presided over by a Judge of the Municipal Court. The Judge of the Municipal Court shall be appointed as provided in Chapter I, Article 3. The Judge of the Municipal Court shall receive a salary as shall be fixed by ordinance.

(Code 2014)

Sec. 9-106. Same; Powers and Duties.

The Judge of the Municipal Court shall have such powers and duties as set forth in the Kansas Code of procedure for municipal courts (K.S.A. 12-4101 et seq.) and all acts amendatory or supplemental thereto.

(Code 1986)

Sec. 9-107. Same; Absence; Vacancy; Pro Tem.

In the event the Judge of the Municipal Court is temporarily unable to preside due to absence, illness or disqualification, the duly appointed municipal judge pro tempore shall perform the duties of the Judge of the Municipal Court as set forth herein. The judge pro tempore shall receive compensation as shall be provided by ordinance, payable in the same manner as the compensation of the regular Judge of the Municipal Court. In the event a vacancy shall occur in the office of Judge of the Municipal Court, the position shall be filled as provided in Charter Ordinance No. 24.

(Code 1977, § 8-110; Code 1986)

Sec. 9-108. Attendance Required of Law Enforcement Officers.

The Chief of Police, by ~~himself or herself~~themselves, or deputy, shall attend all sessions of the Municipal Court. Law enforcement officers shall attend the sessions when the business of court requires attendance.

(Code 1977, § 8-104, 8-105)

Sec. 9-109. Clerk of the Municipal Court.

There shall be a Clerk of the Municipal Court, who shall be an employee of the City. The Clerk shall issue all process of the court, administer oaths, file and preserve all papers, docket cases and set same for trial and shall perform such further acts as may be necessary to carry out the duties and responsibilities of the court. The Clerk shall receive, account for and pay to the City Treasurer monthly all fines and forfeited bonds paid into the court. The Clerk shall make reports to the judicial administrator and furnish the information when requested by that office.

(Code 1977, 8-111; Code 2014)

Sec. 9-110. Cost.

- (a) No person shall be assessed costs for administration of justice in any municipal court case, except for witness fees and mileage as set forth in K.S.A. 12-4411, and amendments thereto.
- (b) There shall be taxed as costs the following fees:
 - (1) Each witness shall receive the sum of \$2.50 for each day's attendance at any trial.
 - (2) Such fees as may be charged by the sheriff of Johnson County for the execution of warrants issued by the municipal judge to be served outside Johnson County.
 - (3) Such fees as may be required to be paid to the State of Kansas.

(Code 2014)

Sec. 9-111. Failure to Appear.

- (a) It shall be unlawful for any person, firm or corporation to fail to appear before the Municipal Court, when so required, as defined in this section.
- (b) For purposes of this section, failure to appear shall be defined as willfully incurring a forfeiture of an appearance bond and failure to surrender oneself within 30 days following the date of such forfeiture by one who is charged with a violation of the laws of the City and has been released on bond for appearance before the municipal court for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within 30 days after ~~his or her~~their conviction of a violation of the laws of the City, has become final by one who has been released on an appearance bond by any court of this state.
- (c) Any person who is released upon ~~his or her~~their own recognizance, without surety, or who fails to appear in response to a summons, notice to appear, or traffic citation duly served upon ~~him or her~~them personally shall be deemed a person released on bond for appearance within the meaning of subsection (b) of this section.
- (d) Failure to appear, upon conviction thereof, shall be punishable by incarceration for up to 30 days and/or a fine of up to \$250.00.

(Code 1986)

Item Number: II. Discussion
Items



City of Roeland Park
Action Item Summary

Submitted By:

Kelley Nielsen, City Clerk

Committee/Department: Administration

Title: Discuss Updates to Employee Handbook - Per Diem, Cell Phone Allowance, Pool and Fitness Room Membership

Item Type: Action Item

Recommendation:

Staff recommends changing the per diem reimbursement provided to staff while attending official training to those published by the U.S. General Service Administration ([GSA](#)). These per diem rates are updated periodically and are based upon regional averages. Local cities polled that use the GSA per diem rates as the basis for their travel cost reimbursements include Westwood, Mission, Fairway, and Merriam.

Staff recommends changing the monthly cell phone reimbursement to \$50 for department heads (currently \$30/month) and \$30 for other Police Department, Public Works and Neighborhood Services staff who can be recalled back to work (\$15/month currently).

It has been a past practice (as a provision in our employee benefits brochure) to provide staff and their families free memberships to the pool and fitness room at the community center. Staff recommends incorporating this into the employee handbook so that it is reflected along with the other benefits extended to staff in this official document.

The topic of extending free memberships to the pool and fitness room at the community center to the elected officials has come up in the past but no action was taken. This is an appropriate time to revisit the discussion. If the council would like, staff can add language to the Employee Handbook that extends the free memberships to the elected officials and their immediate family.

Staff recommends changing to gender-neutral pronouns.

Details:

Current per diem rates

Meals

1. At actual cost upon the submission of proper vouchers/receipts for expenses not associated with travel requiring an overnight trip.
2. For travel requiring an overnight trip, the following per-diem (no receipts)

necessary) shall apply, or pro rata, based on the following:

In State	Out of State
Breakfast	Breakfast
\$5.00	\$10.00
Lunch	Lunch
\$10.00	\$20.00
Dinner	Dinner
\$15.00	\$30.00

1. Banquets, lunches and other meals included in the registration fee or prepaid for the conference will be deducted from the per diem rate.

Individuals who are pre-registered for any event and not able to attend should make every effort to find another City official to go in their place.

Current cell phone rates

Police, Public Works, Neighborhood Services \$15

Department heads and Superintendents \$30

Fiscal Impact	
Amount of Request:	
Budgeted item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

Diversity Equity & Inclusion Lens

What are the implications to intersectionality?

- Does this item benefit all racial groups?
- Does this item benefit Community for All Ages?
- Does this item exclude or disproportionately impact any social identities? If yes, what populations and why?
- What (if any) social determinants of health are impacted by this item?
- What (if any) are the unintended economic and environmental impacts of this item?
- How has the impacted community been involved?
- How will the program be communicated to all stakeholders?

ATTACHMENTS:

1. City of Roeland Park Employee Handbook Working Copy



*City of Roeland Park
Employee Handbook
Adopted 10/18/2021
Last Revision Adopted 12/4/2023*



The City of Roeland Park, Kansas

R.I.C.T.E.R. Scale

- Respect: We show consideration for all persons with whom we have contact; both our customers and fellow employees.
- Integrity: We have the courage to consistently do what is right and fair.
- Creativity: We find better ways to do things. We are innovative in achieving excellence.
- Team Work: We support and encourage others as we work toward a common goal.
- Excellence: We strive to exceed expectations for the results we produce, the quality of our services and the interactions with our customers.
- Responsibilities: We embrace the opportunity to do the right thing in carrying out commitments and obligations.

Management Team Leadership Philosophy

We believe that the employees are the most valuable assets. We are an organization of diverse individuals with integrity who trust each other to make ~~right~~the right decisions. We value all staff and recognize that improvements ~~derive~~are derived fromby the people providing the services. We work together to produce excellent results. To this end we foster an environment that maximizes talent, skills and creativity.

Employee Mission Statement

Staff members work with elected leaders and ~~citizens~~residents to make our community the best it can be.

Realizing the balance between diverse interests and desires, we, as employees, pledge to provide outstanding services for the residents and customers of the community every time.

We are an organization committed to provide the necessary support and opportunities for each staff member to honor this pledge.

City of Roeland Park - Employee Handbook



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A. GENERAL GUIDELINES

1. Policies Established-

The following policies, guidelines, and other provisions for personnel administration in the City of Roeland Park are established to:

- a) Promote and increase the efficiency and effectiveness of City service;
- b) Develop a program of recruitment and advancement which will make City service attractive as an employment opportunity; and
- c) Establish and maintain a uniform plan of performance evaluation and compensation based upon the relative duties and responsibilities of each position to assure a fair and equitable wage or salary to all employees.

2. City Employment and Personnel Policies-

The policies in this Employee Handbook are not intended to cover every situation or question that might arise during the course of your employment, but rather, serve as general information and guidelines to provide a framework for day-to-day practices. While this Employee Handbook describes certain policies, procedures, and benefits, it is subject to change from time to time, with or without notice to employees, and at the sole discretion of the City.

This Employee Handbook supersedes any and all past handbooks, policies, procedures, understandings and standards, written or verbal, express or implied.

3. At-Will Employment-

This Employee Handbook does not create express or implied contractual employment rights to continued employment or employment benefits. Employment at the City is at will, which means that either the employee or employer may terminate the employment at any time, for any reason not prohibited by law, with or without notice. All employees are considered to be at-will employees for the purposes of City employment, and no supervisor or other management personnel has the authority to change, either orally or in writing, the at-will status of any employee or create an employment contract. Only the Governing Body has the authority to create an employment ~~contract~~contract, and such contract must be in writing.

4. Application of Policies-

The policies and guidelines in this Employee Handbook shall apply to all employees in the service of the City except elected and appointed officials.

5. Departmental Guidelines-

The head of any City department may formulate, in writing, reasonable guidelines for the conduct of the operations of ~~their~~ ~~his or her~~ department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with this Employee Handbook. When a conflict exists between this Employee Handbook and guidelines set by a department, the Employee Handbook shall govern.

6. Amendment of Policies-

These policies may be amended from time-to-time in the same manner as they were adopted. Any such amendment shall become effective upon adoption by the Governing Body. The most recent version of this policy can be located online or by contacting the City Clerk.

B. WORKPLACE GUIDELINES

1. Equal Opportunity Statement-

It shall be the policy of the City to provide fair and equal employment opportunity to all qualified applicants and employees, and not discriminate on the basis of race, color, gender identity and sexual orientation, disability, religion, age, national origin, military and/or veteran status, citizenship status, genetic information or any other characteristic protected by applicable federal, state or local laws. Our management team is dedicated to this policy with respect to all terms and conditions of employment, including but not limited to: recruitment, hiring, placement, promotion, transfer, demotion, layoff, termination, training, recruitment, advertising, compensation, benefits, employee activities, all other terms and conditions, and general treatment during employment. In most cases, vacant positions shall be advertised, except those that fall under the internal promotion policy and those exempted by the Governing Body on an emergency basis.

The City Administrator has overall responsibility for this policy and maintains any required reporting and monitoring procedures. Employees' questions or concerns should be referred to the City Administrator.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the City Administrator. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy may lead to discipline, up to and including discharge.

2. Non-Discrimination and Anti-Harassment Policy-

The City is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

a) Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under the law. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; repeated requests for social engagement or interactions when prior social invitations have been refused or when the employee has otherwise indicated such invitations are unwelcome; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

b) Other Prohibited Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, national origin, religion, age, disability, creed, marital status, ancestry, sexual orientation or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the

workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

c) Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

d) Retaliation is Prohibited

The City prohibits retaliation against any individual who reports discrimination or harassment, or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, may be subject to disciplinary action up to and including discharge.

e) Complaint Procedure

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure.

The Employer strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should immediately file their complaints with their immediate supervisor or the City Clerk or the City Administrator. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the City Clerk, especially if the employee believes the supervisor is the offending party.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment, discrimination, or retaliation, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to unwelcome or unlawful conduct from promptly advising the offender that their ~~his or her~~ behavior is unwelcome and requesting that it be discontinued.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly, thoroughly, and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action, or legal processes.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the City believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the City Administrator .

Individuals who have questions or concerns about these policies should talk with the City Administrator.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of any protected class or characteristic from participating in business or work-related social activities or discussions in order to avoid allegations of discrimination, harassment, retaliation. The law and the policies of the City prohibit disparate treatment on the basis of any protected class or characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

f) Policy Relating to Persons with Disabilities

It is the City's policy not to discriminate against any qualified employee or applicant who can perform the essential functions of the job because of such individual's disability or perceived. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined under applicable law, who has made the City aware of their ~~his or her~~ disability, provided that such accommodation does not constitute an undue hardship on the City.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact their supervisor then the City Administrator. The City encourages individuals with disabilities to come forward and request reasonable accommodation.

On receipt of an accommodation request, the City Administrator and your supervisor, if other than the City Administrator, will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations.

The City will work with the employee to determine the feasibility of the requested accommodation, or other potential accommodations. In doing so, the City will consider various factors, including, but not limited to the nature, effects, and cost of the accommodation.

The City will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision to the Governing Body by submitting a written request within ten business days of the decision explaining the reasons for the request. If the request on appeal is denied, that decision is final.

An employee or job applicant who has questions regarding this policy or believes that ~~he or she~~they have been discriminated against based on a disability should notify the City Administrator, or, if necessary, the Mayor. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

3. Drug, Alcohol and Controlled Substance Abuse Policy-

a) General Rules

- i. The Alcohol and Controlled Substance Abuse Policy applies to all City Employees.
- ii. The Federal Department of Transportation (DOT) and various other Federal Programs specifically require additional prohibitions, notices, testing and training for employees involved with the operations of mass transit, aviation and commercial motor vehicles. Each agency of the DOT issues regulations specific to their industry. The City ~~Administrator~~Administrator, or designee is responsible for developing and implementing procedures for compliance with such regulations and shall issue copies of the procedures to covered employees as appendices of this Employee Handbook. In the event of any conflict between rules and regulations, the stricter rule or regulation shall govern.
- iii. The City has an obligation to its employees to take reasonable steps to ensure a drug-free and safe place to work. The City also has an obligation to the ~~citizens~~residents of Roeland Park and the public at large to provide quality and safe services through a policy and program prohibiting alcohol, illegal drugs, and controlled substances in the workplace.
- iv. The City prohibits the unlawful manufacture, distribution, dispensing, possession or use of alcohol/intoxicants, illegal drugs, and illegal controlled substances in the workplace. Any employee who violates this policy may be subject to disciplinary action including termination.
- v. The Mayor, City Council and City Administrator of the City affirm the City's policy that, as a condition of employment, all employees will abide by the policy for a drug-free workplace and adhere to the following prohibitions:
- vi. No employee shall report to work under the influence of alcohol/intoxicants, illegal drugs, or illegal controlled substances.
- vii. Employees shall not unlawfully manufacture, distribute, dispense, possess, or use illegal drugs or controlled substances in any manner (1) on City premises or in City vehicles at any time, whether or not performing City business, or (2) while performing City business

at any location. An employee convicted of violating any criminal drug statute on or off City property may be subject to disciplinary action, including termination.

- viii. Employees shall not use City property or their position with the City in any way to make or traffic alcohol/intoxicants, illegal drugs, or illegal controlled substances for their own purposes.
- ix. Employees shall not engage in any other illegal use, possession, or trafficking of alcohol/intoxicants, illegal drugs, or controlled substances in a manner which is detrimental to the interest of the City.

b) Notice of Conviction-

Any employee convicted of a criminal drug statute violation occurring in the workplace will notify the City Administrator of such conviction no later than five days after conviction.

c) Notice of Legal Drugs or Medications-

Employees taking medication that result in impairment must inform their ~~his or her~~ supervisor if they believe they will be impaired or need a reasonable accommodation. Employees shall not commence or continue work if they are uncertain whether they can perform their duties safely.

d) City's Right to Search-

Employees will have no expectation of privacy in any City property, including desks, city issued cell phones, devices, and other electronics. As a result, the City shall have the right and ability to search City-owned property at any time and for any reason. Further, when the City has reason to believe an employee is violating any aspect of this policy, the City may ask the employee to submit immediately to a search of any locker, lunch box, briefcase, purse, wallet, personal belongings, desk, vehicles, or other receptacle the employee uses or has access to. Entry on City premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the City constitutes insubordination and is a violation of City policy which may result in disciplinary action, including termination.

e) City's Right to Test-

- i. An individual may not be hired to perform a safety sensitive function unless the individual passes a drug test of urine for evidence of all illicit Schedule 1 drugs including marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. .
- ii. All new hires and re-hires of full-time, part-time, or temporary/ seasonal employees may be required to take urine or other medical testtests, so long as directly related to the employee's ability to perform their ~~his or her~~ job responsibilities, and to agree in writing to allow the results of those tests to be furnished to and used by the City.
- iii. Those persons who do not pass such test(s) shall not be employed.

- iv. An employee performing a safety sensitive function who is reasonably suspected of using alcohol or a prohibited drug, may be required to take a drug or alcohol test(s) or both. A supervisor's reasonable suspicion must be based on specific contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the employee. Alcohol testing may also be performed at any time prior, during or following an employee's work shift.
- v. An employee who performs a safety-sensitive function that either contributed to an accident, or cannot be completely discounted as a contributing factor to an accident, may be required to take a drug test(s).
- vi. Employees who perform safety sensitive functions are subject to drug testing on an unannounced and random basis.
- vii. Except as otherwise required by law, all information from an employee's drug or alcohol test shall be treated as confidential. All information related to the drug or alcohol test of an employee will be maintained in his restricted file. Anyone disclosing drug test results, in violation of this policy, will be subject to disciplinary action. Drug and alcohol testing is not genetic testing and no genetic testing will be performed on any blood, urine, or other samples provided for drug and/or alcohol testing.

f) Disciplinary Action for Violation of the Policy-

Any employee who violates any aspect of this policy, including refusal to submit to any of the above described searches, inspections, or testing when requested by the City, may be subject to disciplinary action up to and including discharge. Failure to provide adequate breath or urine may constitute a refusal to test if a medical evaluation determines there is no medical condition preventing the employee from providing the sample. When the City has reason to believe the employee is violating this policy, the employee may be suspended immediately pending investigation.

g) Response to Questions about the Policy-

The City Administrator has been designated as the person responsible to answer questions about the alcohol and drug testing program.

4. Nepotism-

In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be employed in a department where the supervisor or department head is a member of their immediate family. "Immediate family" is defined to include only an employee's:

- a) Parents or stepparents;
- b) Spouse or children;
- c) Sister or brother;

- d) Grandparents or grandchildren;
- e) Mother or father-in-law; or
- f) Brothers or sisters-in-law.

In addition to the above, no person shall usually be employed in a position in any department if that person is a member of the immediate family of another employee within that department. However, members of immediate families may be employed within the same department if one or more family members are employed only as a part-time, temporary or seasonal employee for not to exceed six months in any 12 consecutive month period.

If two employees within the same department marry or otherwise obtain a relationship whereby they become members of each other's immediate family, one of the employees shall usually be transferred to another department, if possible, without loss of pay or other benefits. However, in most cases, the establishment of such a relationship alone shall not be the basis for termination of employment.

5. Employment Eligibility-

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

On your first day of work, new employees must complete Section 1 of the Federal Form I-9 and, within three business days of commencement of employment, you must show acceptable documentation, pursuant to those listed in the Form I-9, proving that you are eligible to work in the United States. This is required by federal law.

6. Political Activity-

It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups, and become involved in political activities subject to the following restrictions:

- a) As private citizens, employees may participate in all political activities, including holding public office. Employees may not engage in any activity regarding the election of candidates for any City office.
- b) City employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for City elective office in Roeland Park.
- c) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property while working.
- d) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to

compel, any employee to support a candidate for elective office or to engage in any political activity.

The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

7. Residency-

Residency requirements, if any, are determined by the Governing Body.

8. Outside Employment-

Full-time City employees shall not be employed in outside employment without the approval of ~~their~~ ~~his or her~~ department head and the City Administrator. This applies to any significant form of non-City employment activity, whether part-time, temporary or permanent, for which the employee receives money, goods, services or other forms of compensation. Employees interested in securing outside employment shall provide their department head a request for outside employment containing full disclosure of the employer's name and address, the nature of work to be performed and the approximate hours per week that the employee will engage in outside employment. Outside employment by a full-time employee shall only be permitted when such outside employment:

- a) Is considered secondary to service with the City;
- b) Does not interfere with the performance of duties for the City; and
- c) No legal, financial or ethical conflict of interest results from such dual employment.

Approval to perform continuous outside employment must be renewed and re-authorized annually by the department head and City Administrator.

9. Gift Restriction –

There will be a general prohibition against gifts, services or things of value to City staff with the following exceptions: (A) An occasional non-pecuniary gift, service or thing of value, insignificant in value (\$50.00 or less); (B) An award publicly presented in recognition of public services.

10. Gender Transition Guidelines –

The City of Roeland Park is committed to diversity and equal employment opportunities for all employees and qualified applicants. We do not discriminate on the basis of gender identity or expression in any aspect of the employment relationship, including hiring, promotions, training, working conditions, compensation, and benefits.

We believe that providing a work environment based on respect, trust, and collaboration creates an exceptional employee experience where employees can bring their whole selves to work and thrive in their careers. These guidelines are intended to address the needs of the City's transgender and gender non-conforming employees who may be undergoing a gender transition and to answer questions that may arise about how to protect their rights, as well as to provide

guidance to their co-workers, managers, human resource professionals, and others in the workplace.

Definitions

The following definitions apply to the City's gender transition guidelines:

Cisgender is an adjective describing a person who identifies as the same gender that they were assigned at birth.

Gender identity refers to a person's inner sense of gender (being male, female, both male and female, or neither male nor female, or something else), regardless of the sex assigned to that person at birth.

Gender expression refers to a person's gender-related behavior or appearance, whether or not it conforms to traditional gender stereotypes or to the sex assigned to that person at birth. It can include manner of dress, grooming, mannerisms, and speech patterns.

Nonbinary is an adjective describing a person who does not identify exclusively as a man or a woman.

Sexual orientation typically refers to a person's physical, romantic, or emotional attraction to people of the same and/or opposite sex. Transgender people, like cisgender people, can identify as having any sexual orientation (such as heterosexual, gay, lesbian, bisexual, or asexual).

Transgender is an adjective describing a person whose gender identity or gender expression is different from that typically associated with the sex assigned to that person at birth.

Transition is a series of processes that some transgender or nonbinary people may undergo in order to live more fully as their true gender. It may include using a different name or pronoun, using different facilities (such as restrooms or locker rooms), undergoing medical treatment or procedures (such as hormone therapy or surgery), and changing their name and sex on documents. The process varies for each person, and while some people might choose to undergo medical treatment or procedures, these steps aren't necessary for a person to transition their gender.

Nondiscrimination

The City of Roeland Park strives to create a workplace where employees who are transgender can be their full selves without fear of discrimination, harassment, or retaliation. We are supportive of transgender employees who are considering or undergoing gender transition. Any discriminatory, harassing, or retaliatory actions taken against employees based on their gender identity, gender expression, or gender transition are considered violations of the State's Equal Employment Opportunity and Affirmative Action policy (EEO Policy) and are subject to the State's disciplinary policy.

Confidentiality

Transgender employees have the right to discuss their gender identity or expression openly or to keep that information private. The employee has the right to decide when, with whom, and how

much to share their private information. Information that may reveal an employee's transgender status should only be shared with another employee where it is necessary for the employee to do their job (e.g., human resources staff) or with the consent of the transgender employee.

Questions from coworkers or others regarding an employee's transition should be referred to the employee or to a person whom both the employee and their manager agree to designate this responsibility. It should be emphasized in the workplace that questions regarding an employee's medical procedures, body, and sexuality are inappropriate.

Managers may not single out transgender employees for intrusive requirements, such as psychological or medical examinations based on their transgender status.

The transgender status of any former employee shall not be disclosed to subsequent employers when responding to a reference request or background check.

Transition Planning

The City of Roeland Park recognizes that there are specific workplace issues to be addressed throughout the gender transition process. Transitioning employees are encouraged to discuss their needs and expectations with their manager before, during, and after their transition. The City addresses each employee's needs and expectations on an individualized basis. The City may offer benefits – such as medical benefits and Employee Assistance Program services – that might assist transgender employees who are considering or undergoing gender transition.

No employee is required to utilize a workplace transition plan or to give advance notice of an intended gender transition to the City. If a transitioning employee chooses to work with the City, it is recommended that a transitioning employee, together with their manager and the HR representative, develop a workplace transition plan outlining the steps to be taken to provide a successful transition.

- A transition plan can include any or all of the following considerations:
- A list of employees who need to be advised of the transition in order to implement requested workplace changes (for example, HR personnel, the transitioning employee's manager) or as requested by the transitioning employee (including other managers, coworkers, or others).
- A plan for when and how those employees should be informed of the transition (through a staff meeting, email, or otherwise) and who will inform them (the transitioning employee, the employee's manager, or someone else).
- The date on which the employee will begin to present in a manner consistent with their gender identity (which might be immediately), including the date(s) when the employee will begin using a different name or pronoun and different facilities (restrooms and locker rooms).
- A list of the employee's records that will need to be changed to reflect their gender identity and new name (if applicable), and the expected date(s) on which these records will be changed.
- Any anticipated leave that the employee will take for transition-related medical treatment and any relevant benefits available to the employee during the transition.

The City recognizes that employees' needs may change during their gender transition and will work with employees to adapt their transition plan to accommodate additional requests that might arise.

Implementing Transition Plan

Access to facilities. Employees are permitted to use facilities (restrooms, locker rooms, etc.) that correspond with their gender identity. Each employee makes the decision of which facilities are appropriate for them. No documentation is required to access facilities. Any employee who has a need or desire for additional privacy, regardless of the underlying reason, can make use of alternative arrangements, such as single-occupancy restrooms, private areas for changing, a different time to use the locker rooms, or other alternatives, where possible. It is a violation of the EEO Policy to prevent transgender or transitioning employees from using facilities that correspond with their gender identity, or to ask or require employees to use facilities that don't correspond with their gender identity, or to ask or require transgender employees to use unisex/single-occupant restrooms instead of common restrooms designated for employees of one sex.

Travel policies. If employees are required to share rooms while on work travel, employees are permitted to share rooms in accordance with their gender identity. Each employee makes the decision of which rooming assignment is appropriate for them. Any employee who has a need or desire for additional privacy, regardless of the underlying reason, can make use of alternative arrangements such as single-occupancy rooms.

Dress and grooming standards. The City should not maintain a dress code or appearance standard that limits or defines appropriate attire or appearance on the basis of gender. Subject to such gender-neutral departmental dress codes or appearance standards (where applicable), transitioning employees have the right to dress and present themselves in a manner consistent with their gender identity or gender expression.

Employee records. The City will update HR records as needed to accurately reflect a transitioning employee's gender identity and new name (if applicable) when they choose to begin identifying with that gender and name. The City also will update the employee's ID badge, nameplate, email address, business cards, staff directory entry, nametag, and any other records or places bearing their name. Any photographs of the employee should also be updated, if necessary, to reflect the gender identity and expression of the employee.

For certain types of records, such as payroll and retirement records, the City can't make updates until employees provide official documentation of their gender and/or name change. The City will coordinate with employees to determine what documentation is needed to make these changes. Employees are not required to provide documentation to change their name on records or in places where supporting documentation isn't necessary (for example, their nameplate).

Name and pronouns. Employees can choose to be addressed and referred to by the name and pronoun of their choice (including "they" or "them"), both verbally and in writing. A court-ordered name or gender change is not required.

Employees are encouraged to take reasonable steps to inform their coworkers of their chosen name and pronoun. If a coworker is unsure of the name or pronoun to use in reference to a transgender or transitioning employee, the coworker can respectfully ask the employee how ~~they~~ ~~he or she~~ wants to be addressed. Any intentional or persistent misuse of a transgender or transitioning employee's name or pronoun is considered a violation of the EEO Policy.

Hiring Practices

Applicants may use the name and gender consistent with their gender identity in an application, regardless of whether they have undergone a legal name change or changed the gender marker on their identification. Hiring practices shall not require disclosure of an applicant's transgender status or sex assigned at birth.

During the hiring process, hiring managers should be sensitive to the possibility that applicants have transitioned. The name and gender on the application may correspond with the person's gender expression; however, background or suitability checks may disclose a previous name that indicates a gender different from the applicant's current gender expression. In such cases, hiring managers should respectfully ask whether the applicant was previously known by a different name for background check purposes only, and confirm with the applicant the name and gender that should be used throughout the hiring process. Any information in a background check that indicates a previous name or gender change cannot be disclosed without the applicant's consent or used against an applicant.

Additional Resources

The following resources may offer additional guidance to support an employee's transition:

Books

- *Transgender Explained for Those Who Are Not* by Joanne Herman
- *Transgender 101: A Simple Guide to a Complex Issue* by Nicholas Teich

Websites and Videos

- *An Introduction to Transgender People*, National Center for Transgender Equality,
<https://www.facebook.com/TransEqualityNow/videos/vb.40078161989/10153582088701990/>
- *Trans 101*, Sylvia Rivera Law Project, <http://srlp.org/resources/trans-101>
- *Transgender Basics*, Gender ID Project, <https://youtu.be/UXI9w0PbBXY>
- *Gender Inclusive Initiatives*, Northwestern University,
<https://www.northwestern.edu/diversity/initiatives/gender-inclusive-initiatives/>
- Out and Equal Workplace Advocates, <https://outandequal.org/>
- HumanRightsCampaign (HRC), <https://www.hrc.org/news/transgender-visibility-in-the-workplace>

C. COMPENSATION AND PAY PRACTICES

1. Position classification-

Position classification is a system of identifying and describing different kinds of work in the organization. In most cases, each City position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class (often referred to as a pay level or grade), which may include either a single position or two or more positions.

2. Pay Scale-

The Governing Body shall adopt a Pay Scale, with minimum and maximum amounts of pay for each class of positions. The pay range or level assigned to each class of positions shall be periodically reviewed and revised by the Governing Body.

3. Maintenance of the Classification Plan-

It shall be the duty of each department head to report to the City Administrator any and all organization changes which will significantly alter or affect changes in existing positions or proposed positions. The Governing Body shall approve all new or revised job descriptions and pay ranges for such position.

4. Categories of Employment-

Full-Time Employee-

One employed to regularly work at least 40 hours per work week who was not hired on a short-term or temporary basis. The work week is any consecutive seven-day period, except as otherwise provided in Section E-1.

Part-Time Employee-

One employed to regularly work less than 40 hours per work week on a regular and continuing basis.

Seasonal or Temporary Employee-

One employed to work on a regular and/or recurring basis during a specific season or portion of a year.

Volunteer-

Is a non-paid individual in the position ~~he or she holds.~~ When acting as a volunteer an individual is not an employee. City employees may volunteer for tasks that they would not be engaged in as part of their regular employment.

5. Pay Periods and Paydays-

The City shall pay all employees on a bi-weekly basis, every other week, for work performed for the previous two-week period. Should the regular payday fall on a City holiday, pay shall be distributed on the working day immediately preceding that day.

6. Hours of Work-

The work week is a period of seven consecutive days beginning at the nearest shift change on Sunday (or 12:01 a.m. on Sunday) and ending at the nearest shift change on the following Saturday (or 12:00 midnight on the following Saturday).

General Employees-

The normal work period for general employees, which includes all employees other than police officers, is 40 hours of work during a seven-day period.

Police Officers-

The normal work period for full-time police officers shall average 80 hours over a fourteen-day period.

Normal Work Hours-

No employee shall be permitted to work in excess of their normal work period except when so directed by the employee's department head. Work in excess of 40 hours per week for non-law enforcement employees, without prior written permission, constitutes insubordination which may result in discipline, up to and including termination.

Employees should see their supervisor for information regarding their meal break.

7. Employment Classification-

Positions are classified according to the responsibilities of the job, the number of hours worked each week and length of service. Employees may be eligible for different benefits and governed by different regulations dependent upon their job classification. The following definitions have been established in order to standardize terminology purposes of federal and state wage and hour laws:

a) **Exempt-**

Employees whose positions are exempt from the Fair Labor Standards Act and do not receive overtime pay and/or compensatory time. Exempt employees are paid on a salary basis and generally receive the same weekly salary regardless of hours worked, subject to certain, limited and legally permitted deductions.

b) **Non-Exempt-**

Non-Exempt Employees are employees who are paid on an hourly basis and who are subject to overtime/compensatory pay and minimum wage provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees will be paid overtime at the rate of one and one-half times their regular rate of pay for all hours worked in excess of 40 hours in a work week, unless otherwise specified by state law.

You will be informed of your classifications upon hire and informed of any subsequent changes to your classification.

8. Overtime Work-

- a) Compensation for authorized overtime work shall be paid at the rate of one and one-half times the employee's regular rate of pay for all hours worked over 40 per work week for non-emergency service employees.
- b) A work period for police and firefighters has been established under the Fair Labor Standards Act. Full-time police officers shall be eligible to receive overtime compensation only for work hours in a work period which exceed 80 hours per 14-day work period.
- c) Overtime compensation shall usually be paid not later than the first payday following the work week in which it was earned. However, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. Any compensatory time off shall be at the rate of one and one-half times the hours of overtime worked and is accruable up to 80 hours (53.3 actual hours worked) for all employees.
- d) All overtime work must have prior authorization by the employee's department head. At the time of authorization, the department head shall advise the employee whether the overtime compensation shall be in the form of additional wages or compensatory time off. The department head shall maintain records of any overtime worked.
- e) Seasonal or temporary employees working at the Roeland Park aquatic center shall not be eligible for overtime compensation, pursuant to Fair Labor Standards Act Section 13(a)(3) and K.S.A. § 44-1202(e)(6) and 44-1202(h).
- f) For purposes of calculating overtime, hours worked include holiday, scheduled vacation (defined as vacation scheduled at least two (2) weeks prior to the first day of vacation leave) and actual hours worked.

9. Call Back Time-

- a) A Department Head may call an employee in to work on a regular day off or may call an employee back to work after a regular work schedule.
- b) All employees who are eligible to receive overtime, and who are called in to work on a regular day off or are called back to work after a regular work schedule shall be paid at the appropriate rate of pay for the hours worked, except such employee shall be paid a minimum of two hours at their overtime rate. The employee may choose to add these hours as compensatory time off.
- c) The minimum of two hours shall not apply if the employee was called in or called back during the two-hour period immediately prior to the beginning of the employee's next regularly scheduled work shift. Pay for call back begins at the time the employee reports for duty.

10. Compensation Policy

The salary of each employee of the City, except those appointed officers whose salary is specifically set by ordinance, shall usually be set, at least annually, at an amount within the pay range of the employee's assigned pay level (or grade) as determined by the Governing Body, with the advice of the City Administrator.

Employees working on a part-time basis shall receive that portion of the salary assigned to their position to be determined by the actual time they work. The hourly wage for persons employed on a monthly salary basis is computed as follows: Monthly wage times 12 divided by (hours worked per week times 52) equals wage per hour for full-time employees.

- a) In most cases, pay increases shall not be automatic and such increases are subject to approval by the City Administrator and shall be in accordance with the adopted budget.
- b) Annual longevity pay may be given at the discretion of the Governing Body.
- c) Annual bonuses may be given at the discretion of the Governing Body.
- d) New Hires- Employees start at the Minimum Rate of the Pay Level (or grade) if the employee has the minimum skills and abilities required in the job description. The hiring supervisor, with the approval of the City Administrator, can start experienced individuals up to the Mid Point. The Mid Point is defined as the exact middle of a pay range.
- e) Cost of Living Adjustment- On January 1st of each year (or another date specified by the City), employees should receive an annual pay increase that takes into consideration change in the regional cost of living index. Annual Adjustment to the pay ranges within the Pay Scale should consider changes in the regional cost of living index as well as change in the Employment Cost Index for salaries of State and Local Government Workers. The Cost of Living adjustment and Merit Adjustment combined make up the Annual Adjustment.
- f) Merit Adjustment- On January 1st of each year (or another date specified by the City), employees should receive an incremental annual pay increase that takes into consideration their performance and their position within their pay range. The Cost of Living adjustment and Merit Adjustment combined make up the Annual Adjustment.
- g) Annual Adjustment- On January 1st of each year (or another date specified by the City), employees should receive an incremental annual adjustment based on merit and cost of living. Employees on a Performance Improvement Plan will have their annual increase held until such time as performance improves, or when approved by the City Administrator.
- h) Market Adjustments- Each budget cycle, Administration should evaluate the placement of current employees. If there is a shift in the market for a specific position, a Market Adjustment to those incumbent employees could be given, which would be an adjustment into the pay range. A market adjustment requires:

1. A documented and verified review of local comparables by the City Administrator or third-party consultant.
 2. A consistent pattern of recruitment/retention concerns with isolated classifications, as verified by the City Administrator.
- i) Promotions- An individual who moves to a position of a higher Pay Level (or grade), will be placed at the Minimum Rate of the new salary range; OR the rate closest that provides a 5% increase, if over the Minimum Rate. No employee will be placed above the designated Mid Point.
- j) Demotions- There are a number of situations that can occur resulting in an employee's pay being lowered and the pay may not be within the established Pay Range. Dependent upon the circumstances, an individual's pay can be handled differently. It will be the responsibility of the City Administrator to determine the pay implications due to employee demotions. The following are suggested guidelines:
1. Demotions that occur because of position changes and/or position consolidations (not based on the performance of the employee), the salary can be "red circled" or "frozen" at that level until the Pay Range of the new Pay Level (or grade) catches up to the employee's salary.
 2. Demotions that occur because the employee voluntarily applied for and accepted a position in a lower Pay Level (or grade), the salary will be reduced within the new Pay Range as close to the current salary as possible. If the salary is above the new Pay Range, then treatment will be as described in "A" above.
 3. Demotion that is a result of the employee's performance, the employee's salary is decreased to a placement within the Pay Range of the new Pay Level (or grade), as determined by the City Administrator. Demotions of this nature are rare circumstances.
- k) Top of the Pay Range- When an employee reaches the Maximum of their Pay Range, they will not be eligible for any additional pay increases until their pay range is adjusted. Employees who reach the Maximum will be eligible to receive the equivalent annual (2,080 hour) pay increase in the form of equal quarterly lump-sum non-base building payments. This method of payment still provides additional compensation to an employee but does not compromise the Pay Scale.
- l) Position Pay Level Changes- Pay Levels (or grades) may change under the following circumstances:
1. Management request for a Pay Level Evaluation- A Department Head may request a Pay Level evaluation for any position in their Department, via procedures identified by the City Administrator. The request should be in writing, including job duty changes or other circumstances that have precipitated the evaluation. This should include the old job

description along with either a new job description or a document that illustrates the changes. It will be the responsibility of the City Administrator to determine if the position should be sent to the Consultants for evaluation. It should be noted that significant changes to a position's responsibility that could prompt reclassification should receive prior approval from the City Administrator to avoid unapproved position creep.

2. Administration Initiation of a Pay Level Evaluation- Administration may determine a position needs to be evaluated as a result of a City-initiated position and/or program changes, organizational structure changes, recurring minimal modifications to positions that over time may result in substantive change in a position, and recruitment or retention challenges.

If after a Pay Level Evaluation, it is determined the employee's current salary is below the Minimum Rate of the new Pay Level, the employee should be placed at the Minimum Rate of the new Pay Level. If the current salary is within the new Pay Range, it will be at the discretion of the City Administrator as to whether any further adjustment occurs.

D. PERFORMANCE MANAGEMENT

1. Performance Evaluations-

An evaluation of the performance of each full-time and part-time employee based on ~~their~~^{his or her} duties and responsibilities shall usually be prepared by the employee's immediate supervisor at least annually.

2. Qualifications of Employment-

Applications for any open position with the City shall usually be accepted from applicants who meet the stated minimum qualifications established for that position, subject to the following conditions:

- a) Each applicant shall complete a job application form.
- b) A medical examination or other testing, including drug testing, may be required only after an offer of employment has been made contingent upon the applicant passing the drug test, provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications.

3. Promotion-

All employees seeking promotion shall usually be expected to meet the minimum qualifications for the position to which they seek promotion.

A medical examination or other testing, including drug testing, may be required only after an offer of promotion has been made contingent upon the applicant passing the drug test, provided that, such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications.

E. TIME OFF POLICIES

1. Holidays-

The following are observed holidays:

1. New Year's Day - always January 1. When January 1 falls on a Saturday, then Friday, December 31 of the previous year is observed. When January 1 falls on a Sunday, then Monday January 2 is observed.
2. Martin Luther King, Jr. Day – always the third Monday in January
3. Memorial Day Monday – always the last Monday in May
4. Juneteenth – always the 19th day in June. When June 19th falls on a Saturday, then Friday, June 18th is observed. When June 19th falls on a Sunday, June 20 is observed.
5. Independence Day– always July 4. When July 4 falls on a Saturday, then Friday, July 3 is observed. When July 4 falls on a Sunday, then Monday, July 5 is observed.
6. Labor Day Monday – always the first Monday in September
7. Indigenous Peoples Day – always the 2nd Monday in October
8. Veterans' Day – always November 11. When November 11 falls on a Saturday, then Friday, November 10 is observed. When November 11 falls on a Sunday, then Monday, November 12 is observed.
9. Thanksgiving Day – always the fourth Thursday in November
10. Day after Thanksgiving – always the Friday immediately following the fourth Thursday in November.
11. Christmas Eve – when the 24th falls on a weekday, that weekday shall be the observed holiday. When the 24th falls on a Saturday or Sunday the Friday preceding the 24th shall be the observed Christmas Eve holiday.
12. Christmas Day – when the 25th falls on a weekday, that weekday shall be the observed holiday. When the 25th falls on a Saturday or Sunday the Monday following the 25th shall be the observed Christmas holiday.
13. Annual floating holiday – one 8 hour period chosen by the employee each calendar year.

Employees required to work on a City observed holiday will receive 8 hours holiday pay or an alternative day off.

To be eligible to receive pay for a City holiday, an employee must not have been absent without approved leave either on the workday before or the workday after the holiday.

2. Vacation Leave-

Vacation leave shall be earned beginning with the date of employment under the conditions hereinafter stated. An employee who works fewer than 12 days in any month shall not accrue vacation credit for such month of service; provided that this restriction of 12 days shall not apply where the employee has worked fewer than 12 days due to authorized paid leave. No employee shall be permitted to use vacation time for any period spent on unauthorized leave.

a) Full-Time Employees-

Full-time employees are entitled to paid vacation leave time according to the following schedule.

Years of Continuous Employment	0-4	5-9	10-15	15+
Hours Earned Per Month	8	10.67	12	16
Equivalent Work Days	12	16	18	24
Maximum Hours Accumulation	240	240	240	240
Maximum Hours for One Time Leave	80	120	120	120

Employees on Medical leave are not subject to the maximum hours for one time leave.

Training Period-

Employees-in-training during their initial employment shall be credited with vacation leave for each month of employment. Training employees terminated during the training period shall be paid for any accrued vacation leave.

Scheduling-

The dates for the taking of vacation leave shall be scheduled in consultation with the employee's supervisor and department head.

Holiday During Vacation-

City holidays which occur during the taking of an employee's authorized vacation leave will not be counted as a day of vacation.

b) Minimum Hours-

Exempt employees may use vacation leave in full day increments and non-exempt employees may sue vacation leave in half-hour increments, subject to the approval of their supervisor.

c) Termination –

Upon termination, an employee shall be compensated for all earned but unused vacation leave at their final rate of pay, subject to the maximum hours of accumulation authorized in the schedule with the exception outlined in the separation of service section.

3. Sick Leave-

Full-time employees who are employed to work at least 40 hours or more per work period, shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or other physical incapacity, occurring either on or off the job. Sick leave with pay may also be used for absences resulting from illness, injuries, accidents, or other physical incapacity of the employee's spouse, child, or parent. A spouse is defined as a husband or wife as defined by the state of residence of the employee, as well as domestic partner. A child is a son or daughter, in addition to a biological child, adopted, foster or step-child. The definition of son or daughter also includes a legal ward or child of someone standing in loco parentis. A qualifying daughter or son must be under the age of 18, unless the daughter or son has a physical or mental disability that makes self-care impossible. In such cases, there is no age limit. A parent is defined as a biological, foster, adoptive or step-parent, or any person who served in loco parentis (served as a parent) to an employee. It does not include a parent-in-law.

No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Full-time employees are entitled to sick leave with pay for physical examinations and dental work if they have provided at least one day's notice to their immediate supervisor.

a) Amount of Sick Leave-

Full-time employees shall earn eight hours of sick leave for each full month of service. Part-time employees who are employed to work not less than 40 hours per work week shall receive four hours of sick leave for each month of employment.

b) Accumulation of Sick Leave-

An employee hired prior to March 1, 2013, may accrue no more than 960 hours of sick leave. An employee hired after March 1, 2013, may accrue no more than 480 hours of sick leave.

c) Computing Sick Leave-

Any absence for a fraction or part of a day which is chargeable to sick leave shall be charged in increments of not less than one hour.

d) Doctor's Certificate-

For sick leave in excess of three consecutive work days, a department head may require a signed statement from a health care provider verifying the employee's inability to perform ~~their~~ their ~~his or her~~ assigned duties because of illness and/or ~~their~~ their ~~his or her~~ ability to return to work.

e) Notification-

To be eligible for paid sick leave, an employee, or ~~their his or her~~ representative, shall notify ~~their his or her~~ immediate supervisor and give the reason for the absence at least two hours before the beginning of the first work day for which sick leave is taken unless the cause is an emergency in which case notice shall be provided as soon as practical under the circumstances.

f) **Termination of Employment-**

An employee shall not be paid for any unused sick leave upon termination of ~~their his or her~~ employment with the City with the exception outlined in the separation of service section.

4. Paid Parental Leave-

The Paid Parental Leave Policy will apply to eligible employees due to the birth of an employee's child or the placement within an employee's home of an adopted or foster child. The policy is in effect for childbirth, foster placements or adoptions occurring on or after the effective date of this policy.

a) Purpose

To establish uniform guidelines for how paid parental leave policy will work for all eligible employees, establishing eligibility criteria, and terms of leave for which someone can receive paid benefits. The goal of the policy is to give parents additional flexibility and time to bond with their new child, adjust to their new family situation and balance their work obligations. The City of Roeland Park prides itself on being a flexible, family friendly workplace and this policy, adopted as part of the 2020 Budget Objectives, is another step toward giving our employees the additional flexibility they need when adding a new family member. These policies will help the City of Roeland Park attract and retain quality employees, as well as work toward increasing diversity.

b) Policy

1. Eligibility

- i. Paid parental leave is available to full-time regular and appointed employees who have worked for the City of Roeland Park for at least twelve (12) months, at least 2,080 hours.
- ii. Surrogate mothers and sperm donors are excluded from coverage under this policy.
- iii. The adoption of a child by a new spouse is excluded from this policy.
- iv. Respite placement, or when one foster family temporarily cares for the foster children of another family, is not eligible for paid parental leave under this policy.
- v. The child being fostered or adopted must be age 17 or younger.

2. Term of leave – Eligible employees will receive six continuous weeks of pay. Paid parental leave is in addition to, and not a replacement for, any other leave for which an employee is eligible.

3. Employees can utilize paid parental leave only once in a twelve-month period and only once per child.

4. Paid leave will be based on the employee's certified normal rate of pay.

5. Eligible employees must apply for short-term disability benefits as a condition of receiving the salary continuation as addressed under this policy. Short-term disability benefits will offset, and not be in addition to, the salary continuation provided under this policy. Short-term disability benefits are provided to mothers who give birth to a child and provides 60% of the employee's salary with a maximum of \$500/week. These benefits provide six (6) weeks for vaginal births and twelve (12) weeks for a caesarian birth.
6. Employees receiving paid parental leave are expected to return to work for at least six (6) weeks following the conclusion of their paid parental leave. If the employee fails to return to work, they will be required to reimburse the City for the paid parental leave funds received from the City, excluding any short-term disability pay received. By accepting the paid parental leave, the employee agrees to these terms.
7. Vacation and sick leave benefits will continue to accrue during the period of paid parental leave. The City will continue to pay its share of the cost of an eligible employee's group health insurance during a paid parental leave. The employee's share of premiums and benefits will continue to be deducted as usual.
8. Paid parental leave must be used within twelve (12) weeks following the birth, foster placement or adoption of a child. If paid parental leave is paired with other forms of paid leave, such as sick, vacation and holiday, the paid parental leave shall be administered first followed by other forms of paid time off. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, personal leave, and holidays.
9. If a holiday observed by the City of Roeland Park occurs during the eligible employee's paid parental leave, the eligible employee will receive holiday pay in lieu of a paid parental day. Use of holiday pay during a paid parental leave will not extend the length of the leave.
10. Multiple births or adoptions (birth or adoption of twins, for example) does not increase the length of paid parental leave granted for that event. If both parents are eligible employees, each will be able to use the appropriate provisions of this policy.

c) Procedures

1. An eligible employee must submit a completed Leave Request form requesting the Paid Parental Leave at least thirty days (30) prior to the anticipated date of the leave. To the extent that 30-day notice is not possible, a leave request should be made as soon as possible. The form will also indicate the employee's statement that they will return to work for at least six weeks following the conclusion of their paid parental leave.
2. For those eligible for short-term disability, the appropriate form will need to be completed by your healthcare provider.
3. An eligible employee will be required to furnish appropriate adoption or foster placement documentation, such as a letter from an adoption agency or state, or from the attorney in cases of private adoptions.
4. A fraudulent request for Paid Parental Leave is grounds for dismissal.

5. Funeral Leave-

In the case of death of a member of an employee's immediate family (to include only the spouse, children, mother, father, brother, sister, grandparents or same by marriage of the employee or employee's spouse), full-time employees may request funeral leave not to exceed three consecutive working days. If an employee needs additional time off to attend to details of the funeral, it may be arranged with their supervisor. Leave in excess of three days may be charged against any unused sick or vacation leave, unless the employee elects to take leave without pay. Employees should notify their department head as far in advance as possible regarding a need for leave.

6. Family and Medical Leave-

If ever required by federal law, the City will administer leave that qualifies for Family and Medical Leave Act (FMLA) protection in accordance with federal law. This policy is intended for guidance and shall not be interpreted to expand the City's responsibilities beyond the requirements of the law. For employees who are not eligible for FMLA leave, including employees who have exhausted available FMLA-protected leave (if available under the law), requests for leave shall proceed according to the City's established policies. Any questions regarding available Family and Medical Leave should be directed to the City Clerk.

7. Injury Leave-

- a) All injuries occurring on the job shall be reported immediately to the employee's immediate supervisor.
- b) Any employee injured on the job shall usually be eligible to receive injury leave with pay during the seven-day waiting period for workers' compensation claims.
- c) When an employee receives compensation under the Workers' Compensation Act, the pay ~~he or she~~ they receives from the City, while an employee of the City, shall be the difference between their ~~his or her~~ regular rate of pay and the amount ~~they~~ he or she receives from workers' compensation and shall be charged against sick leave.

8. Military Leave-

- a) Employees will be granted leaves of absence for military service, training or other obligations in compliance with Uniformed Services Employment and Reemployment Rights Act requirements and related federal and state military leave laws. Any employee so engaged in military or other uniformed services shall not be denied employment, reemployment, retention, promotion, or any benefit of employment on the basis of their active uniformed service. The City will not discriminate in employment against, or take any adverse employment action against, any person because he/she exercised these rights.
- b) As with other leaves, employees must provide advance notice to his/her supervisor of the intent to take military leave as well as appropriate documentation, as far in advance as possible, unless giving such notice is impossible, unreasonable or precluded by military necessity.

- c) Pursuant with the Uniformed Services Employment and Reemployment Rights Act (USERRA), employees are provided with broad protection in terms of their reemployment upon completion of military service, as well as specific time frames in which employees must return to work upon completion of service. Employees returning from military leave will (with limited exceptions) be returned to their position in accordance with current law then pertaining.
- d) Employees will not continue to receive pay during a military leave unless required by law. However, an employee may request to use earned but unused vacation time and sick time during military leave. Benefit coverage will continue for 30 days, provided employees pay their normal portion of the premiums.

9. Civil Leave-

a) Civil Leave With Pay-

An employee shall be given necessary time off with pay:

- i. When performing jury duty;
- ii. When appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the City;
- iii. When performing emergency civilian duty in connection with national defense; or
- iv. For the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.

However, an employee shall reimburse the City for juror or witness fees received while on civil leave.

b) Civil Leave Without Pay-

If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to ~~their~~~~his or her~~ duties with the City, the employee may take leave without pay unless ~~he or she~~ they elects to utilize any accumulated vacation leave.

10. Other Leave-

a) Educational Leave-

An employee, upon written request, may be granted leave without pay for a period up to one year to further ~~their~~ ~~his or her~~ education or seek specialized training, upon recommendation of the employee's department head and approval by the City Administrator and Governing Body. An employee may request leave with pay for a class related to their current work on a case by case basis which will need to be approved by ~~their~~ ~~his or her~~ department head and the City Administrator.

b) Leave of Absence-

An employee, upon written request, and with the recommendation of ~~their~~ ~~his or her~~ department head, may be granted a leave of absence without pay for a period of up to six months, subject to the approval of the Governing Body.

c) Compensatory Time-

Compensatory time off that is accrued by a non-exempt employee for overtime worked shall be taken within 13 pay periods following the pay period in which it was earned.

d) Request for Leave-

Except for sick leave, all leave must be authorized by the employee's department head prior to leave time being taken.

e) Credits for Paid Leave-

An employee, while on paid sick leave, vacation leave or other leave with pay, shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

F. OTHER EMPLOYEE BENEFITS

1. Health Care Program-

- a) All employees meeting the Affordable Care Act definition of full-time (working an average of at least 30 hours per week in a permanent position) shall be eligible for the City's group health care insurance program beginning on the first day of the month following the initial date of employment. A part-time employee who becomes a full-time employee shall be eligible for group health care insurance as of the date of change in employment status.
- b) When an individual employee is required to contribute because of participation in the City's group health care program the amount of such contribution shall be a payroll deduction.
- c) All costs for health care insurance shall be paid by the employee during any period the employee:
 - i. Is on a leave without pay (excluding Family and Medical Leave Act provisions);
 - ii. Is on suspension without pay;
 - iii. Is on unauthorized leave; or
 - iv. Is participating in any unlawful work stoppage.
- d) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- e) Each employee should refer to the specific plan document, benefit booklet, or policy provided for each benefit to determine eligibility. A benefit plan document always supersedes all other information provided about a benefit. Summary Plan Descriptions (SPDs) can be found in City Clerk's Office and employees should see the City Clerk to request a copy.

The City reserves the right to amend or terminate benefits at any time.

2. Retirement - OASDI Benefits-

All eligible employees of the City are under the federal OASDI social security system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is

paid equally by the City and the employee, with the employee contribution subject to payroll deduction.

3. Retirement - KPERS/KP&F Benefits-

All eligible employees of the City are members of the Kansas Public Employees Retirement System (KPERS) and/or Kansas Police & Firefighter Retirement System (KP&F) and receive the benefits thereof in accordance with state laws and guidelines. Under current law, KPERS members contribute six percent of salary, by payroll deduction. The employer's share is determined by KPERS, and varies annually.

4. Workers' Compensation Benefits-

All employees of the City receive the benefits of the Kansas Workers' Compensation Act, in accordance with such laws and guidelines. The cost of this benefit is paid entirely by the employer.

5. KPERS/KP&F Death and Disability Benefits-

All employees who are contributing members of KPERS/KP&F are eligible for the insured death and disability benefits provided by KPERS/KP&F, which is supplemental to the regular KPERS/KP&F benefits. The cost of this benefit is paid entirely by the employer. This insured death and disability benefit begins on the first day of employment, whether or not the employee is a contributing member of KPERS/KP&F.

6. Unemployment Compensation-

All employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such laws and guidelines. The cost of this benefit is paid entirely by the employer.

7. Life Insurance-

In addition to the death benefits provided under OASDI, KPERS and KP&F, the City makes available to each employee the option of purchasing group life insurance, administered by KPERS/KP&F, on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.

8. Deferred Compensation - 457 Retirement Plan-

All City employees may participate in any deferred compensation plan offered by the City, for which they are eligible. All employees working an average of 30 hours per week in a permanent position and who are enrolled in the Kansas Public Employees Retirement System ("KPERS") will be eligible for a one for one City matching contribution up to 3.00% of pay to the deferred compensation program offered by the City. This benefit is offered to those employees not enrolled in the Kansas Police and Fireman's Retirement System ("KP&F") to enhance equity between City contributions made toward retirement benefits of those enrolled in the KP&F program and those enrolled in the KPERS program. City contributions shall vest with the

Employee as matching contributions are made to the employee's Internal Revenue Code 457(b) account. Compliance with the annual contribution limits of Chapter 457 of the Internal Revenue Code shall be the responsibility of the Employee.

9. Aquatic Center and Community Center Fitness Room-

All employees of the City receive a free aquatic center pass and fitness room membership for themselves and their immediate family.

G. AUTHORITY TO DISCIPLINE

Department heads and/or the City Administrator shall have the authority and the responsibility to discipline employees for violations of the City's personnel policies and any departmental guidelines.

1. General Policy-

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the ~~citizens-residents~~ of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of employees to make a conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what ~~they~~ ~~he or she~~ does and to help the City provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for ~~their~~ ~~his or her~~ department head or supervisor to consider disciplinary actions to correct the problem.

It is not possible to list every possible instance in which an employee may be subject to discipline, up to and including termination. However, the following list (which is not all-inclusive) provides instances in which an employee may be subject to discipline, up to and including termination:

- a) The employee violates the provisions contained in this Employee Handbook, or any other written guidelines or procedures applicable to the department in which the employee works;
- b) The employee's conduct reflects discredit to the City or hinders the effectiveness or efficiency of City operations; and/or
- c) The employee has performed an act of misconduct or has failed to perform an act which results in misconduct.
- d) The City Administrator believes discipline or termination would be for the good of the service of the City.

2. Disciplinary Actions-

The following types of disciplinary actions are possible:

a) **Verbal Warning-**

A verbal warning is an oral reprimand given to an employee by ~~their his or her~~ supervisor or department head. A record of the warning shall be recorded in the employee's file.

b) **Reprimand-**

A reprimand is a written censure to an employee by ~~their his or her~~ supervisor or department head, a copy of which shall be recorded in the employee's file.

c) **Probation-**

Probation is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, to improve work performance, or to improve on the employee's job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.

d) **Salary Reduction-**

A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.

e) **Demotion-**

A demotion is the placement of an employee into a position of a lower pay range.

f) **Suspension-**

A suspension is the removal of an employee from service, with or without pay, for a specific period of time.

g) **Termination-**

Termination is the removal of an employee from City employment.

There is no requirement that the discipline of an employee involve all, or any, of the above-referenced actions. For instance, if warranted, an employee may be suspended or terminated without any prior disciplinary actions.

3. Procedure for Disciplinary Action-

Whenever in the judgment of the employee's supervisor or department head justifies the application of disciplinary action other than a verbal warning, the supervisor or department head might, in appropriate circumstances:

a) Document the misconduct in writing;

- b) Determine the appropriate disciplinary action to correct the problem;
- c) Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, department head or other persons requested to be present by the department head;
- d) Give the employee an opportunity to refute the facts or argue against the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action;
- e) Make a final decision as to the disciplinary action; and/or
- f) Notify the employee of the disciplinary action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the City Clerk for insertion in the employee's personnel file.

The procedure noted above is discretionary and may or may not be utilized given the particular circumstances.

4. Misconduct Subject to Disciplinary Action-

The following is a list of misconduct which may subject an employee to disciplinary action, up to and including termination of employment. The list is not exclusive; it is only representative of the types of misconduct which may subject an employee to disciplinary action. This list is provided for general guidance to employees and does not alter the at-will nature of an employee's employment relationship with the City.

- a) Conviction of a violation of any state or federal criminal law.
- b) Conviction of a violation of any City law.
- c) Failure to follow prescribed City or departmental safety policies and procedures, including failure to notify ~~their his or her~~ supervisor of unsafe working conditions and negligent or willful creation of unsafe conditions in the workplace.
- d) Violation of personnel policies and guidelines or departmental policies and guidelines.
- e) Inattention to duty, carelessness, breakage or loss of public property or funds or willful or negligent damage to public property or waste of public supplies or equipment.
- f) Incompetency or inefficiency in the performance of the duties of ~~their his or her~~ position or failure to render satisfactory service.
- g) Insubordination or other breach of discipline.
- h) Discourteous or disruptive conduct or other offensive behavior in public, to the public or to employees and officers of the City.
- i) Abuse of leave, excessive absenteeism or tardiness or absence without leave.

- j) Temporarily leaving the workplace without the approval of their ~~his or her~~ supervisor.
- k) Failure to give proper notice of absence.
- l) Sleeping on the job.
- m) Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a City employee is impaired.
- n) Inducing or attempting to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- o) Unauthorized possession of firearms or other weapons on the job.
- p) Taking or using any funds or property of the City for personal use or for sale or gift to others or the making of any false claim against the City.
- q) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or department head or knowingly making a false statement to any employee or officer of the City.
- r) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- s) Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.
- t) Illegal harassment of any kind, including sexual harassment.
- u) Disclosing confidential records or information unless directed to do so by their ~~his or her~~ department head or supervisor.
- v) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of City employment.
- w) Material falsification of application for City employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- x) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- y) Taking or offering to take from any person for the employee's personal use any fee, gift or other thing or service of value, in the course of their ~~his or her~~ work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of

receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to encourage the employee to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through their ~~his or her~~ position in the service of the City.

In an appropriate case, an employee may be suspended, with or without pay, pending an investigation and review of the matter.

H. SAFETY

1. General Safety-

All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action.

2. Smoking Policy-

Smoking shall not be permitted in any enclosed City facility. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms, vehicles and all other enclosed facilities. This policy applies to all officers and employees of the City, contractors, and visitors. Smoking shall be permitted only at a reasonable distance of ten (10) feet outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited, so as to ensure that tobacco smoke does not enter those areas.

No Smoking signs shall be posted in all City facilities.

Those employees who smoke and would like to take this opportunity to quit are invited to call the free Kansas Tobacco Quitline (1-800-QUIT-NOW) for telephone cessation counseling and support.

3. Conceal Carry of Firearms-

Employees and officials, who are not otherwise prohibited by state or federal law, may carry a concealed handgun, consistent with the Kansas Personal and Family Protection Act, as amended, into City buildings, where the carrying of a concealed handgun is allowed under the provisions of state law.

- a) Any employee carrying a concealed handgun within a City building pursuant to the provisions of state law must keep said handgun completely concealed, in a proper holster or similar product, with all safety features in place.

- b) Storage of Concealed/Carry Firearms: It is the sole responsibility of the employee to maintain control of ~~their his/her~~ concealed firearm and ammunition by ensuring that such firearm is on ~~their his or her~~ person and attended to at all times.
- c) Employees are also permitted while on City owned property to store a firearm within their own vehicle provided that such storage is outside of plain view from the exterior of the vehicle and that the vehicle is locked when the employee is not in the vehicle.
- d) Other than certified law enforcement officers, it is outside of the course and scope of employment for any City employee or contractor to brandish, intentionally display, use, discharge, point or threaten any person with the use of a weapon in the workplace or in the exercise of ~~their his or her~~ duties.
- e) An employee's failure to maintain a firearm in a concealed manner or locked as described herein could result in discipline, up to and including termination.
- f) In the event that a City employee or official discharges a firearm while on duty, the Roeland Park Police Department shall investigate the discharge and file a report of investigation with the City Administrator. Based on such report, the City Administrator, or designee, will determine whether it constitutes grounds for disciplinary action, up to and including termination. The discharge of a firearm while on duty may also result in criminal charges.

Subject to other policies and procedures of the City of Roeland Park and Kansas law, law enforcement officers are the only individuals authorized to use deadly force while acting for and on behalf of the City of Roeland Park. Employees who are not authorized to use deadly force do not have the immunities and are not entitled to the same indemnity afforded law enforcement and other employees authorized to carry firearms within the scope of their employment. The City will not provide for, reimburse, or pay attorney fees or other costs in defense of any employee who uses deadly force if the use of deadly force is not a function of said employee's job.

4. Uniform Policy-

The purpose of this policy is to establish a policy concerning the proper wearing of City apparel for non-public safety employees and to identify those items that are "safety equipment" and not uniforms. Items will be replaced, as needed, based on budgetary considerations. Each employee, upon being hired shall be issued the following uniform items:

a) Public Works Department

- i. Five shirts with City logo.
- ii. Three heavy sweatshirts with City logo.
- iii. One winter jacket with City logo.
- iv. One pair of coveralls with City logo.

- v. \$150 to be paid each year (at the beginning of the year) through payroll for the purchase of work pants.

b) Administrative

- vi. Five shirts with City logo.
- vii. Two sweatshirts with City logo.

c) Code Enforcement

- viii. Five shirts with City logo.
- ix. Two heavy sweatshirts with City logo.
- x. One winter jacket with City logo.
- xi. One Khaki pants.

5. Specifics-

- a) Uniforms (excluding work pants) will be purchased only three times per year (usually March, June and September).
- b) All uniforms (excluding work pants) are the property of the City and must be exchanged when receiving new items or returned when leaving employment with the City.
- c) Uniforms now in the possession of City employees must be exchanged prior to receiving new uniforms.
- d) It is assumed that employees who wear uniforms while not on duty do so to bring credit to the City and will not engage in conduct that is disgraceful or an embarrassment to the City.
- e) All new uniforms, with a City logo, shall be approved by the City Administrator.
- f) It shall be the responsibility of the employee to wash, clean and maintain any City uniforms.
- g) Appropriate non-uniform clothing may be worn when attending training, schools, meetings, luncheons, workshops, etc.
- h) The employee is responsible for any loss or damage of City uniforms due to neglect.
- i) The City Administrator may authorize exceptions to the Uniform Policy.

6. Non-Uniform Safety Items-

The following items are considered Safety Equipment and shall be provided to necessary employees. These will be replaced as needed due to normal wear and tear or when damaged. The old items shall be returned prior to issuing new items.

- a) One pair of steel toed (ANSI approved) boots (Paid by City up to \$160.00).
- b) One pair of leather gloves.
- c) One pair of safety glasses.
- d) One pair of full eye goggles.

I. TRAVEL POLICY

The City pays business-related travel expenses of its elected officials, employees and other with the approval of the department head and City Administrator, as long as the departmental travel seminar and education line-item budget would not be exceeded.

a) Approved Travel-

- i. Any function of the League of Kansas Municipalities if held within the State of Kansas.
- ii. Any function of the Mid-America Regional Council (MARC) if held within the member counties of MARC.
- iii. Any function of the Northeast Johnson County Chamber of Commerce.

b) Reimbursement Rates-

- i. Travel by personal car at the IRS-approved rate. In-state mileage shall be calculated by the City Administrator using the shortest distance method, plus five (5) miles per each day, or part thereof, that the person is engaged in City business. Out-of-state travel will be at actual odometer readings.
- ii. Other transportation, lodging and miscellaneous expenses at actual cost upon the submission of proper vouchers/receipts.

c) Meals-

- i. At actual cost upon the submission of proper vouchers/receipts for expenses not associated with travel requiring an overnight trip.
- ii. For travel requiring an overnight trip, the ~~following~~ per-diem (no receipts necessary) shall follow the GSA (U.S. General Services Administration guidelines. apply, or pro-rata based on the following:

In-State		Out-of-State	
Breakfast	\$5.00	Breakfast	\$10.00
Lunch	\$10.00	Lunch	\$20.00
Dinner	\$15.00	Dinner	\$30.00

- iii. Banquets, lunches and other meals included in the registration fee or prepaid with the conference will be deducted from the per diem rate.

Individuals who are pre-registered for any event and not able to attend should make every effort to find another City official to go in their place.

J. EMPLOYMENT RECORDS

1. Personnel Records-

- a) Information contained in an employee's personnel file is highly confidential and is maintained by the City Clerk. The City Clerk shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. Employee medical related records shall be kept in a separate file in accordance with these same provisions. All employee files remain the property of the City and contain only items that have direct bearing on the employee/employer relationship. This includes any documents that relate to the employee's recruitment, selection and retention; the employee's job responsibilities and his/her ability to perform those duties; and the employee's present or future ability to perform work assignments.
- b) Employee files will be maintained by the City Clerk and must remain in the Administration Department at all times. Only authorized individuals have access to the information in these records.
- c) Managers should provide, to the City Administrator for review and approval, written notification of any corrective action or changes in the status for their ~~his or her~~ employees. The City Clerk will maintain a record of all changes in the employees' personnel files.
- d) Current employees may request to review their personnel file. An employee's personnel file shall be available during office hours for inspection by that employee upon reasonable notice. Such request should be submitted to the City Clerk.

2. Access to Employee Files and Verification of Employee Records-

Information contained in an employee's personnel file is highly confidential and will be released only to authorized individuals within the City, upon receipt of a court ordered subpoena or to individuals with written authorization from the current employee. It is the City's policy to provide only limited information regarding a former employee in response to requests for references.

This policy shall be applied in accordance with the requirements of federal and state laws.

3. Release of Employee Files-

When an outside party requests information about a current or former employee, only the City Administrator or City Clerk is authorized to respond. Reference requests should be referred to the City Administrator or City Clerk.

All telephone or written inquires for employment references must be referred to the City Administrator or appropriate manager. It is the general policy of the City that the City Administrator or City Clerk will release only the employee's dates of employment and job title; salary may only be verified in writing.

K. TECHNOLOGY AND ELECTRONIC COMMUNICATIONS

The purpose of this policy is to establish guidelines for use of the City's computer, communication, and related systems to ensure that this equipment is used in a manner consistent with its intended purpose and the mission of the City and to discourage or eliminate inappropriate use of the equipment.

1. Definitions-

a) Technology Equipment-

Includes all computers and related hardware and software, voicemail, electronic mail, internet access, internet e-mail, phone systems, network systems, voice and data communications, printers, copy and fax machines, video cassette recorders, cameras, pagers, radios, and electronic equipment in general which is owned by the City, licensed to the City, or otherwise provided for use by the City through the use of public funds.

b) Management Staff-

Department heads, their designees, or other City staff in supervisory positions.

c) Network-

Any City owned or operated computer, telephone, or electronic system.

2. General Computing and Network Policy-

- a) Violations to this Policy are subject to disciplinary action, including termination.
- b) All users of the City's technology equipment must adhere to City, state, federal, and international laws governing the use of such equipment. All users of the City's technology equipment should strive to use such equipment in an efficient and effective manner consistent with the City's mission, and must avoid unethical, unauthorized, or any other use of such equipment in a manner inconsistent with good stewardship of public resources.
- c) Any provision or provisions of this policy may be waived only for unusual circumstances, and only with the concurrence of an individual's supervisor and the City Administrator or his/her designated representative.
- d) Users of the City's network services shall promote efficient use of the networks to minimize, and avoid if possible, congestion of the networks and interference with the work of other users of the network.
- e) Encryption of communications will be allowed only if it is determined to be necessary for the protection of ~~citizens~~ residents or employees, or is determined to be an integral part of an employee's performance of their assigned work.

3. Prohibited Uses-

- a) Use of the City's technology equipment for threats, harassment, slander, defamation, obscene or suggestive messages and images, political endorsements, commercial activities, or for the production or dissemination of any material which is discriminatory with regard to race, sex, religion, ethnicity, disability, sexual orientation, gender identity, and/or age is prohibited.
- b) "BIOS" (basic in and out system) passwords, unless approved by the City Administrator or his/her designated representative.
- c) Intentionally disrupting or damaging any of the City's network services or any components of the system.
- d) Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent.
- e) Any unauthorized access or attempts to gain unauthorized access to data, system resources and passwords.
- f) Any attempt to secure system access privileges other than those assigned by the System Administrator or his/her designated representative.
- g) Decryption of system or user passwords.
- h) The copying or deleting of any software without the authorization of the City Administrator.
- i) Infringement on software licenses and copyrights.
- j) Loading of software onto the City's network, or any component of the network, without the advance approval of the City Administrator or his/her designated representative.
- k) The intentional introduction of computer viruses or other disruptive programs into the City's system.
- l) Sharing of passwords with other users.

4. Privacy Policy-

- a) No individual or group utilizing the City's technology equipment should have any expectation of a guarantee of privacy in their use of the City's technology equipment. The equipment is managed by the City for the purpose of City business, and authorized representatives of the City may access any aspect of the City's technology equipment at any time for work related non-investigatory or investigatory purposes. Authorized representatives of the City may, without advance notice, access any portion of the City's technology equipment for purposes related to claims of misconduct by City staff.

- b) Management reserves the right to monitor the use of any or all portions of the City's technology equipment, including electronic messages either sent or received, electronic files stored on the City's network, and internet sites visited.
- c) Management reserves the right to access, without notice, data or text caches, pager memory banks, e-mail, voicemail boxes or accounts, and other employer provided electronic storage systems.
- d) All data, information, electronic mail, and other documents contained on the City's network, or any component of the City's network, is City property, and may be accessed by authorized representatives of the City.

5. Electronic Mail Systems-

a) **Privacy, Confidentiality and Public Records Considerations**

- i. The City will make reasonable efforts to maintain the integrity and effective operation of its electronic mail systems, but users are advised that those systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. Because of the nature and technology of electronic communication, the City can assure neither the privacy of an individual user's use of the City's electronic mail resources nor the confidentiality of particular messages that may be created, transmitted, received, or stored thereby.
- ii. All electronic files and messages on the City's systems are periodically backed up and generally available for re-creation, even if erased.
- iii. In all electronic mail communications, be polite and use appropriate language.
- iv. Delete all messages from the electronic mail system when they are no longer needed to help efficiently manage network storage resources.

b) **Permissible Uses of Electronic Mail**

a. Authorized Users-

Only City employees and other persons who have received permission under the appropriate authority are authorized users of the City's electronic mail systems and resources.

b. Purpose of Use-

The use of any City resources for electronic mail must be related to City business. Incidental and occasional personal use of electronic mail may occur when such use does not generate a direct cost for the City. Any such incidental and occasional use of City's electronic mail resources for personal purposes is subject to the provisions of this policy.

c. Prohibited Purposes

- i. Personal use that creates a direct cost for the City.

- ii. The City's electronic mail resources shall not be used for personal monetary gain or for commercial purposes that are not directly related to City business.

d. Prohibited Uses

Prohibited uses of electronic mail includes, but is not limited to the following:

- i. Do not use the City's electronic mail system for sending "junk mail" or "chain letters."
- ii. Never send electronic mail from someone else's account or electronic mail address.
- iii. Sending copies of documents in violation of copyright laws.
- iv. Inclusion of the work of others into electronic mail communications in violation of copyright laws.
- v. Capture and "opening" of other employees' electronic mail except as required in order for authorized employees to diagnose and correct delivery problems.
- vi. Use of electronic mail for personal political use.
- vii. Use of electronic mail to harass or intimidate or to interfere with the ability of others to conduct City business. This prohibition specifically includes any communication which violates the City's policies against illegal harassment and discrimination.
- viii. Use of electronic mail systems for any purpose restricted or prohibited by laws or regulations.
- ix. "Spoofing," i.e., constructing an electronic mail communication so it appears to be from someone else.
- x. "Snooping," i.e., obtaining access to the files or electronic mail of others for the purpose of satisfying idle curiosity, with no substantial City business purpose.
- xi. Attempting unauthorized access to electronic mail or attempting to breach any security measures on any electronic mail system, or attempting to intercept any electronic mail transmissions without proper authorization.
- xii. To distribute defamatory, fraudulent or harassing messages, or otherwise engage in any illegal or wrongful conduct.

e. City Access and Disclosure

By accepting and continuing employment, employees of the City are consenting to the City's monitoring of their e-mail communications on City equipment and/or on City premises and/or on City paid time.

f. General Provisions

To the extent permitted by law, the City reserves the right to access and disclose the contents of employee and other users' electronic mail without the specific consent of the user beyond the general consent provided as a condition of employment. The City will do so when it

believes it has a legitimate business need including, but not limited to, those listed in Section (g) below.

Employees and other users are advised that the City's electronic mail systems should be treated like a shared filing system, i.e., with the expectation that communications sent or received regarding City business or with the use of City resources may be made available for review by any authorized City official for purposes related to City business.

Any user of the City's electronic mail resources who makes use of an encryption device to restrict or inhibit access to ~~their~~ ~~his or her~~ electronic mail must provide access to such encrypted communications when requested to do so under appropriate City authority.

g. Monitoring of Communications

The City will not monitor electronic mail as a routine matter but it may do so to the extent permitted by law as the City deems necessary for any valid business purposes, including employee supervision.

h. Inspection and Disclosure of Communications:

The City reserves the right to inspect and disclose the contents of electronic mail:

- i. In the course of an investigation triggered by indications of misconduct or misuse;
- ii. As needed to protect health and safety;
- iii. As needed to protect the rights or property of the City;
- iv. As needed to prevent interference with the business mission of the City;
- v. To detect employee wrongdoing; or
- vi. As required for employee supervision or performance management.

The City will inspect and disclose the contents of electronic mail when such action is necessary to respond to legal processes and/or to fulfill the City's obligations to third parties.

i. Limitations on Disclosure and Use of Information Obtained by Means of Access or Monitoring

The contents of electronic mail communications, properly obtained for City purposes, may be disclosed without permission of the user. The City will attempt to refrain from disclosure of particular communications if disclosure appears likely to create personal embarrassment, unless such disclosure is required to serve a business purpose or satisfy a legal obligation.

j. Special Procedures to Approve Access to and Disclosure of Use of Electronic Mail Communications

Individuals needing to access the electronic mail communications of others, to use information gained from such access, and/or to disclose information from such access and who do not have the prior consent of the user must obtain approval in advance of such

activity from the appropriate City authority. Any employee accessing the electronic mail communications of others without permission will be subject to disciplinary action, up to and including termination.

6. Definition of City Authority-

For the purposes of this policy, City Authority is defined as having approval of the Governing Body or by the City Administrator.

7. Internet Access-

a) Authorized Users:

Internet access is provided to City staff only by approval of department heads, and with the concurrence of the City Administrator or his/her designated representative.

b) Purpose of Use-

The use of any City resources for internet access must be related to City business. Incidental and occasional personal use of internet access may occur when such use does not generate a direct cost for the City. Any such incidental and occasional use of internet access resources for personal purposes is subject to the provisions of this policy.

c) Prohibited Purposes-

- i. Accessing adult entertainment, pornography, illegal, suggestive or other inappropriate material via the internet at any time from any City facility using either privately-owned or City technology equipment.
- ii. Personal use that creates a direct cost for the City.
- iii. The City's internet access resources shall not be used for personal monetary gain (i.e. engage in e-commerce, investment banking activities or gambling activities, legal or illegal) or for commercial purposes that are not directly related to City business.

8. Social Media/Blogging-

The City respects the right of any employee to maintain a blog and other types of self-published online journals, social media sites and collaborative web-based discussion forums. However, to protect the City's interests and ensure employees focus on their job duties, employees are expected to follow the guidelines and policies set forth to provide a clear distinction between you as an individual and you as an employee.

a) Purpose-

This policy outlines the protocol and procedures for use of social media to publicize official City services and events. In addition, this policy addresses the responsibilities of individual employees and City officials with regard to social media and the use of City resources (time/equipment), as well as responsibilities related to public records and open meeting laws.

b) Definitions-

i. Social Media-

Various forms of discussion and information sharing, including blogs, wikis, social networks, virtual worlds, video posts, podcasts, message boards and online forums. Technologies include: picture sharing, wall postings, fan pages, e-mail, instant messaging and music sharing.

ii. Social Networking-

The practice of expanding business and/or social contacts by making connections through web-based applications. This policy focuses on social networking as it relates to the use of the internet to promote such connections for official City business for employees, elected and appointed officials who are using this medium in the conduct of official City business.

c) Policies and Procedures-

All official City presences on social media sites or services are considered an extension of the City's information networks and are governed by the Technology and Electronic Communications Policy contained in the City Personnel Manual and used for the limited purpose of informing the public about City business, services and events.

- i. All City social media sites must comply with applicable federal, state and City laws, regulations and policies. This includes adherence with established laws and policies regarding copyrights, records retention, Freedom of Information Act (FOIA), First Amendment, privacy laws and information technology, web standards, brand standards and media policies established by the City.
- ii. Each social media site used by the City will include an introductory statement that clearly specifies the purpose of the site and directs users to the City's website. In addition, wherever possible, links to information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.
- iii. Purpose-To provide information to the users in a timely manner and to direct users to the website for additional information.

Employees representing the City via social media outlets must conduct themselves at all times as representatives of the City and in accordance with all human resource policies. Employees shall not disclose information about confidential City business on either the City's social media sites or their personal social media sites.

- iv. The City encourages the posting of comments by individuals; however, current elected officials are not to post on the City's official social media sites.
- v. The City's social networking content and comments containing any of the following forms of content shall not be allowed for posting:

- Comments not topically related to the particular site or blog article being commented upon;
- Profane language or content;
- Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation or gender identify;
- Sexual content or links to sexual content;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems; and/or
- Content that violates a legal ownership interest of any party. The City reserves the right to remove content that is deemed in violation of this policy or any applicable law. Any participants on the City's official social media sites who are in continual violation of the posting/commenting guidelines may be permanently removed from the City's site.

The City reserves the right to temporarily or permanently suspend access to official City social media sites at any time.

L. CELL PHONE COMMUNICATIONS POLICY

It is the policy of the City to provide cellular telephones and/or wireless personal communications devices to designated employees in order to improve productivity, enhance customer service to our citizens residents, and/or to enhance public safety services.

It is also the policy of the City to maintain the right of access to and disclose of any and all messages communicated through electronic means when City-owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message.

Decisions regarding the use of City cellular telephones and wireless personal communications devices, which are not explicitly stated herein, will be left to the discretion of the City Administrator. Department heads are authorized to administer, provide guidance on, and assure compliance with the features of this policy.

It is the policy of the City to provide reimbursement for cellular telephones and wireless personal communications devices to designated employees who can be recalled in order to improve productivity, enhance customer service to our citizens residents, and/or to enhance public safety services. At the City Administrator's discretion eligible personnel may obtain a personal cellular telephone, and/or wireless personal communications device. The City will reimburse the employee at a monthly rate of ~~\$15.00~~ \$30.00. Department heads will be reimbursed at a rate of ~~\$30~~ \$50.00 per month.

1. Applicability-

This policy and procedure applies to all City employees, departments, and organizations. Departments which use a pool system for cellular telephones, or which have cellular telephones assigned to vehicles or positions instead of to individuals, may develop departmental policies and procedures and/or regulations which provide greater direction to their employees, as long as that direction is consistent with this policy.

This policy includes City-owned cellular telephones and other wireless personal communications devices, which are not directly connected to a telephone line. It does not apply to direct-wired landline telephones.

2. Authorized Usage-

City-owned cellular telephones and other wireless personal communications devices are intended only for City business. No personal use of City-owned cell phones is allowed. In the event of an emergency personal call, the employee shall reimburse the City of the proportional share of the current monthly fee and service charges, as well as the direct cost of the minutes used (i.e. roaming, long distance, rate plan minutes, etc.).

Employees should not use cellular telephones to discuss confidential or sensitive information, as cellular telephone conversations are not secured.

3. Eligibility Criteria-

Employees eligible for assignment of City-owned cellular telephones, and other wireless personal communication devices are those designated by the City Administrator, including but not limited to:

- a) Employees who are frequently in a vehicle, if the individual must conduct City business by telephone while in the field, and it can be shown that cost savings and customer service efficiency will be realized through use of such devices;
- b) Employees who have a critical need to maintain accessibility with other department heads, City management staff and public officials in order to ensure uninterrupted customer services and/or the integrity of the organizations;
- c) Public safety positions as necessary to provide immediate and direct telephone communications with citizens residents, outside agencies cooperating in operations or other

resource entities outside of City government, and to provide for communications which may be inappropriate for mobile radios;

- d) Designated employees involved in the City's emergency response plan; and
- e) Department heads and employees who have a responsibility for responding to public safety incidents in the field.

4. Responsibilities of Department Heads-

The department heads are responsible for:

- a) Recommending requests for cellular telephones, and other wireless personal communications devices from their respective subordinates;
- b) Ensuring that requests are in conformance with the procedures outlined herein, or that exceptions are justified;
- c) Ensuring that all persons assigned a City-owned cellular telephone, and/or other wireless personal communications device are provided access to a copy of this policy, and that the individual is in compliance with it;
- d) Conducting annual reviews of assigned devices to determine if such assignments continue to be justified; and
- e) Informing appropriate employees responsible for City communications of all reassignments of cellular telephones, electronic paging devices and other wireless personal communications devices.

5. Responsibilities of Employees-

Employees who are assigned the use of City-owned cellular telephones, and other wireless personal communications devices are responsible for the following:

- a) Ensuring the physical security of such devices;
- b) Ensuring that all communications on such devices are kept to the briefest duration possible;
- c) Keeping personal communications to a minimum;
- d) Ensuring that any personal use does not detract from the employee's availability for completion of assigned duties; and
- e) Reimbursing the City for any personal calls sent or received at the rate established by the City Administrator.

6. Use of Electronic Communications Devices and Safe Driving-

All City employees are expected to drive with safety as the first consideration. This includes driving safely while operating cellular telephones and other wireless personal communications

devices. Recommendations for safe handling of vehicle-based calling from the wireless communications industry include the following:

- a) When driving, use voice-activated dialing or have frequently called numbers pre-programmed into the device, or consider pulling off the road to dial (or ask passenger to dial);
- b) Do not use the wireless communications devices at all if there are hazardous road or traffic conditions; and
- c) Avoid multiple tasks when driving, such as trying to take notes while using a wireless communications device.

Employees are responsible for, and will be held accountable for, safe driving at all times.

7. General Statements on Use of Wireless Communications Devices-

- a) Use of a log-on or password does not imply any right to employee privacy of communication.
- b) Use of a deletion keystroke or process does not mean a message/document has been eliminated from a wireless communications device, e.g. pager.
- c) On City-owned wireless communications devices, the City or department reserves the right to monitor and record communications traffic at any time, without notice to any employee.
- d) Any abuse or inordinate use of those devices will be considered misconduct and indifference to work, resulting in possible disciplinary action, up to and including termination. Any employee responsible for inordinate use of wireless communications devices may also be held responsible for the resulting costs to the City.

8. Monitoring of Wireless Communications by City Supervisors-

Supervisory reviews of wireless communications may be conducted for business reasons. Supervisors may review the communications of their employees to determine if there have been:

- a) Breaches of security;
- b) Violations of City policy; and/or
- c) Misuse by an employee.

9. Disclosure of Information-

The City will disclose the contents of retrievable wireless communications messages, upon receipt of a valid court order or legal request, including Public Information (open records) requests. The City may disclose the contents of retrievable wireless communication messages if the information will assist in official internal or criminal investigations.

M. SEPARATION OF SERVICES

1. Resignation-

An employee who terminates ~~their his or her~~ employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two weeks written notice to ~~their his or her~~ immediate supervisor or department head. Under appropriate circumstances, a shorter period of notice may be approved by the employee's department head and the City Administrator.

2. Payment upon Termination-

An employee whose employment with the City has been terminated shall receive ~~their his or her~~ final paycheck on the first regularly scheduled payday following ~~their his or her~~ termination.

- a) Employees who terminate shall be eligible to receive pay for any accrued unused vacation.
- b) Employees who have worked for the city in a full-time capacity for 5 years or more and who terminate with proper notice, may convert unused sick leave up to a maximum of 480 hours to vacation time at the rate of eight (8) hours sick leave to one (1) hour of vacation. 'Termination with proper notice' is defined as giving prior notice: four (4) weeks for exempt employees and two (2) weeks for non-exempt employees. No conversion is allowed when there is an involuntary separation due to poor performance or misconduct, or other violations of City policies and/or procedures.
 - o Example: Maximum sick accrual of 480 hours converts to a maximum of 60 hours vacation.

N. EDUCATION REIMBURSEMENT

This policy is applicable to any regular, full-time City employee who has completed his/her required initial probationary period.

1. Policy-

The City will only consider applications for assistance with tuition and book expenses for degree programs (Associate, Bachelor, Master or Doctorate) according to the following criteria:

- a) Before beginning a course of study, an employee must receive approval from employee's department head and the City Administration prior to any request for tuition reimbursement; and
- b) An employee may be reimbursed only for courses of study which the City determines are directly related to the employee's present job or which will enhance the employee's potential for advancement to other jobs within the City; and

- c) Subject to budget availability, upon successful completion, as defined below, of any approved course, an employee may be reimbursed only the actual cost of the tuition for classes taken and any required course materials, but the City will reimburse up to a maximum of \$2,500 per calendar year; and,
- d) Eligible schools must be accredited by one of the six regional organizations recognized by the U.S. Department of Education; and
- e) On-line courses are permitted if offered through an eligible school and reviewed and approved through the regular tuition reimbursement process; and
- f) Tuition reimbursement must be approved by the employee's department head and the City Administration, at least ten (10) business days prior to the first day of class; and
- g) All documentation regarding tuition reimbursement must be submitted for reimbursement within thirty (30) calendar days of the completion of the final class or payment will not be rendered; and
- h) Reimbursement will only be considered for courses that are successfully completed with a grade of "C" or better for undergraduate courses, or with a grade of "B" or better for graduate-level courses. If an incomplete grade ("I") is received at the end of the term, the class must be successfully completed and documentation submitted for reimbursement within thirty (30) calendar days after completion. The date that the incomplete grade is officially replaced with another grade is the date that will govern with respect to tuition repayment; and
- i) The Education Reimbursement Policy will not duplicate other financial aid programs such as Pell Grants, Veteran's Administration Benefits, scholarships, etc. Any financial aid received will be deducted from the tuition and book fees reimbursed by the City; and
- j) If an employee's request for reimbursement under this policy is approved, he/she will be required to certify in writing, and agrees to re-pay the City all reimbursements he/she received if employee voluntarily separates from City employment within one year after receiving the reimbursement; and
- k) Any employee separated involuntarily within one year of reimbursement shall be required to make full repayment if the separation was for unsatisfactory performance/conduct.

2. Time Off For Class Attendance and Study Assignments-

Employees are expected to schedule class attendance and the completion of study assignments outside of their regular working hours. Employees will not be given paid time off, other than vacation and/or bonus days, to attend educational classes or to complete study assignments. In cases where productivity and proper supervision of employees are not adversely affected, management may approve changes in the work schedule to accommodate the pursuit of educational opportunities, however it is expected that educational activities will not interfere with employees' work. Any unsatisfactory job performance during class enrollment may result in

forfeiture of educational assistance and/or disciplinary action up to and including termination of employment.

O. CITY SPONSORED MEMBERSHIP DUES POLICY

The City believes it is important for the members of the Governing Body and City employees to participate in professional organizations. While at the same time it is recognized that difficult economic times have caused strains on the City's budget. Therefore, in the future, the following represent the only types of membership dues that will be approved:

a) **Professional association membership dues.**

A professional association is usually a nonprofit organization seeking to further the interests of individuals engaged in that profession. The professional association will directly relate to the member(s) job.

b) **Civic association membership dues.**

A civic association is usually a nonprofit organization seeking to further the interests of individuals engaged in a community and the public interest. The City will cover the first \$100 of a civic association membership fee and match 50/50 the next \$100. Any amount over \$200 will be the responsibility of the individual.

c) **Multi-individual memberships and dues.**

Multi-individual memberships and dues for organizations, such as the Northeast Johnson County Chamber, Mid-America Regional Council, League of Kansas Municipalities or National League of Cities under which one membership dues covers all members of the Governing Body and City employees. Multi-individual memberships/dues are subject to Governing Body annual review for value to the City.

P. REMOTE WORK POLICY

1. Overview

Remote Work is a long-term work flexibility arrangement, under which an employee performs the duties and responsibilities of their position, from an approved worksite other than the location from which the employee would otherwise work. The City of Roeland Park considers Remote Work a work option that may provide mutual benefit when both the employee and the job are suited to such an arrangement with City Administrator concurrence and preapproval. Remote Work may be appropriate for some employees and jobs and not for others. Remote Work is appropriate when an employee's work can be accounted for, and a clear record of time worked established. Remote Work in no way changes the terms and conditions of employment with the

City of Roeland Park, nor does it change the job responsibilities, salary, or benefits. Employee agrees to comply with all existing job requirements and responsibilities.

Employees may be allowed to Remote Work subject to eligibility criteria and the approval of the City Administrator and the Department Director.

2. Scope

This policy applies to all full-time employees who are not in a probationary period or under a Performance Improvement Plan.

3. Designations

On-site – Position is required to be fully on-site.

Remote - A regular work schedule that is a hybrid mix of on-site and remote work. A hybrid work schedule is based on a regularly recurring schedule or based on specific times of the year. The schedule can be based on specific types of job tasks and schedules. Remote Work will be considered for up to two (2) workdays per week.

4. Eligibility Requirements

Positions will be analyzed for suitability for Remote Work utilizing the City's Remote Work Assessment Tool.

a) Position Suitability

Positions suitable for Remote Work will be determined based on the essential functions of the position being feasibly performed away from the central workplace where work is typically performed. Positions will be evaluated by the City and designated as on-site or remote. These designations will be reviewed by the City on an as-needed basis.

Characteristics considered to approve Remote Work include:

- The department must be open and accessible to the public for full services during official office hours.
- The department can maintain the same standard of services for constituents, employees, and members of the general public.
- Remote Work fits within the operational needs of the department.
- Assigned duties can be fulfilled within a Remote Work structure without additional workload being imposed on other staff.
- Access to remote access files exists.
- Remote Work provides for equal or increased productivity.
- Direct supervision can be provided at a level equal to or greater than on-site, including coaching, mentoring, and oversight over the employee who has a Remote Work arrangement.

- Information technology (hardware and software) resources and internet access is available to support Remote Work.

Characteristics considered to deny Remote Work include:

- The job requires the employee's physical presence, or access to physical files, space, equipment, meetings, technology that cannot be accessed in a Remote Work arrangement.
- Remote Work would detrimentally impair the Department's efficiency and/or performance.
- Job duties require routine in-person supervision, direction, or input from others who are on-site, for example during a period of training.
- Job duties require the employee to provide routine in-person supervision, directions, or input to other employees who are on-site.
- Establishing a Remote Work arrangement will require additional cost to the City, such as duplicated office or technology equipment.

b) Employee Suitability

Some employees may be better prepared than others to navigate the unique requirements of Remote Work. When evaluating a new Remote Work request or a request to extend an existing Remote Work agreement, the City will consider readiness to report on-site, employee performance, and the off-site space.

- 1) Any employee authorized to work remotely must be available to report to their designated City work location within 30-minutes of said request during their regular work schedule hours.
- 2) The employee must have a record of satisfactory performance in the workplace and has demonstrated the ability to:
 - Prioritize work to meet deadlines.
 - Display self-discipline and accomplish job duties with minimal supervision/direction.
 - Understand their role and expectations.
 - Be organized, highly disciplined and self-motivated.
 - Communicate and coordinate effectively with constituents, Supervisor, and team members over phone, email, and virtual communications.
 - Manage time effectively.
 - Meet work performance and/or productivity levels whether on-site or through a Remote Work arrangement.
- 3) The employee must have space that supports and is conducive to successful Remote Work arrangements including:

- A safe, comfortable, and ergonomic workspace where it is easy to concentrate on work.
- The level of security required for confidential work.
- The necessary office equipment and software that meet City standards.
- A telephone that will accommodate forwarded calls from the office phone.
- Household members who will understand you are working and will not disturb you.
- A walk through of the proposed work location can be required by the City.

Remote Work arranged by mutual agreement between the City and an employee shall be evaluated for continuation at least annually. The City has the discretion to evaluate more often, as necessary.

Remote Work arranged by mutual agreement between the City and an employee may be discontinued by either party at any time. If remote work is a requirement at the time of hire as a condition of employment, the City has the discretion to discontinue the arrangement at any time with reasonable notice.

5. Expectation of Professionalism

An employee who is Remote Working is expected to be at the designated Remote Work location and working the hours as approved by the City Administrator and Department Director. Any deviation or exceptions to this must be pre-approved by the Department Director.

Employees are expected to maintain their responsiveness, productivity levels, quality of work, and overall job performance while Remote Working.

Employees who work with confidential information are expected to maintain the strictest level of confidentiality while Remote Working, as they would in City offices.

Remote Work is not intended to permit staff to provide dependent care, perform personal work, or non-work activities during work hours. Personal tasks and errands should be performed during regular scheduled breaks and lunches while Remote Working. If an employee has situations that affect availability while Remote Working, they need to inform their Supervisor, and flex their time or use applicable benefited time-off in accordance with time-off policies. Prior approval for overtime must continue to be obtained per department work rules.

Employees are expected to maintain a professional appearance and attire while Remote Working because an employee may be asked to join a virtual meeting or call with little or no notice, and all employees authorized for remote work must be prepared to report on-site within 30-minutes, upon request, to meet changing workload requirements, the needs of the Department or constituents, or for other employment-related purposes. In-person meetings conducting business with the City shall only ever occur in City facilities.

Employees working off-site are required to adhere to all established policies and procedures.

6. Working Hours

Remote Working employees are expected to work during the City's normal business hours on their regularly scheduled days. Department Directors will work with employees on any case-by-case exceptions that may arise.

Non-exempt employees are required to accurately reflect all hours worked on their time sheet and take all meal and rest breaks in accordance with the Fair Labor Standards Act and applicable State Law.

An employee is to notify the Supervisor immediately if an employee is unable to perform work assignments due to equipment failure or other unforeseen circumstances. In the event of equipment failure, the Supervisor may immediately assign the employee back to on-site work.

7. Work Environment

Remote Working employees are responsible for setting up and maintaining a safe and ergonomic work environment in their home workspace. This includes following ergonomic best practices, such as using an ergonomic chair and keyboard, and maintaining proper lighting. Employees should continue to take regularly scheduled breaks and stand up and move around occasionally. Employees should consider their Remote Work workspace an extension of their City workspace and all work-related injuries and illnesses must be reported to the employee's Supervisor immediately.

The Remote Working employee's workspace should be, to the most reasonable extent, a workspace where the employee can work away from competing demands and distractions. The City will not be responsible for any costs associated with an employee's home office workspace, including Wi-Fi/internet connectivity expenses, printer cartridges, paper, etc. Internet connections should have an efficient bandwidth (50+meg) to perform efficiently. The City of Roeland Park will not be liable for damage to any employee's property resulting from Remote Working.

8. Taxes and Legal Implications

The employee must determine any tax or legal implications under IRS, State, and local government laws, and/or restrictions of Remote Working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

9. Security

Consistent with the City's expectations of information security for employees working at the office, Remote Working employees will be expected to ensure the protection of confidential City and client/customer information at all times and follow all security compliances. That includes the Remote Working employee taking only minimally necessary confidential information out of the office, locking, logging off and shutting down a City laptop when not in use, preventing

inadvertent disclosure, and any other measures appropriate for the job and the environment. Maintaining confidentiality includes working in a location where third parties, including family members, will not be able to overhear or see confidential information in any format including written, verbal, or electronic. Employee acknowledges and understands responsibility to protect information based on classification level of information security.

10. Equipment

Employees are only to use equipment authorized by the City for City business use only. Employees shall use City-issued laptops exclusively for all City-related work. The use of personal devices, such as ~~cell phone~~s, will be at the discretion of the City. Monitors, desk-top computers, or other nonportable equipment in the employee's City workplace should remain at the City workplace, unless approved in writing by the City Administrator. Remote Working employees should communicate with their Department Director for any needed or appropriate Information Technology (IT) capacity/capability to perform their work duties.

The City reserves the right to monitor any and all equipment on the City network, and the right to remove or disable the network connection should the employee's equipment or use demonstrate the behavior of infection, indicators of compromise, or use in violation of the City's Technology and Electronic Communications Policy. The City reserves the right to monitor an employee's work activity. An employee must notify their Department Director in the event of equipment malfunction or theft, as soon as possible. Maintenance of City-owned equipment will be performed only by a City authorized technician. Upon termination of employment, all City property will be returned to the City immediately.

11. Performance

Department Directors are responsible for monitoring a Remote Working employee's work, performance, and accountability on a continuous basis. Approval for an employee to Remote Work may be discontinued at any time. Remote Working employees must comply with all existing City policies and procedures. Failure to abide by the Remote Work policy, or any other policies while Remote Working, may subject an employee to termination of the Remote Work arrangement and/or disciplinary action, up to and including termination.

12. Injury Reporting

Injuries sustained while working remotely that occur during work hours while the employee is performing the duties of their job must be reported following the City procedure.

13. Safety

The City is dedicated to promoting safety and wellness to all employees, including those working from locations other than the central workplace. All safety and wellness programs are available and accessible to employees when working remotely. Safety concerns should be immediately reported to a direct Supervisor.

14. Remote Work Agreement

I have read, understand, and have reviewed with my Supervisor all of the conditions for remote work described in the City's Remote Work Policy. I agree to all of the responsibilities of and conditions for remote work that are described in the Policy and this Agreement.

Basic Rules

- I understand that remote work is not an entitlement. Permission for remote work is based on job suitability, supervision, operational and team impacts, my past and future performance, ability to respond on-site in a timely manner, and permission from my Supervisor and City Administrator.
- I understand that remote work may be suspended or terminated based on performance, business reasons, or at the sole discretion of the City, with or without advance notice.
- I agree to be bound during remote work by all City policies and guidelines that would apply if I were working on-site.
- I am expected to meet the same standards of performance as employees who do not work remotely.
- I may be requested to provide more frequent and more detailed reports of my work and progress with respect to my work and agree in advance to do so.
- I am aware that all applicable employment and labor law notices are posted at City Hall, Public Works, and the Police Department, to which I report when working on-site as well as related policies in the City's Employee Handbook.
- I agree that remote work does not change the at-will nature of the employment relationship and that either the City or I may terminate the employment relationship at any time, with or without advance notice.

Hours

- I understand my remote work schedule will not exceed two (2) workdays per week.
- I understand that, if I am an exempt employee (not eligible for overtime pay), my described schedule is my baseline hours of work, and I am expected to work any additional hours necessary to complete my work on time and to the expected standard of performance.

- I understand that, if I am non-exempt (eligible for overtime pay), I must have my Supervisor's approval to work hours in excess of or other than these scheduled hours.
- I understand that, if I am non-exempt, I must take meal and rest periods in accordance with the Department and City policy.
- I understand that, if I am a non-exempt employee, I must accurately and promptly record all of the time that I work, regardless of whether that work was pre-approved or consistent with my assigned work schedule including off-the-clock work described below.
- I understand that, if I am a non-exempt employee, I must accurately and promptly record all of the start and end times of all work periods and meal periods. I do not have to record paid rest periods.
- I understand that, if I am a non-exempt employee, off-the-clock work is strictly prohibited while working remotely. Off-the-clock work includes checking and responding to emails and making and responding to phone calls outside of scheduled work hours.
- I will work and be accessible during my regularly scheduled hours, regardless of the location at which I work.
- I understand that remote work is not a replacement for appropriate dependent care or other responsibilities of my personal life. I must provide the same undivided attention to my work as if I were working on-site. If my personal circumstances prevent me from avoiding distractions or interruptions at the remote work site (for example, inability to obtain dependent care or attending to family medical needs), I will notify my Supervisor immediately. Any alteration in the schedule to accommodate dependent care needs must be approved by my Supervisor.
- I will keep personal disruptions, such as non-business telephone calls and visitors, to a minimum during regularly scheduled work hours.
- I understand that the City's attendance and timekeeping policies, vacation and sick time policies, and paid and unpaid leave policies apply to remote work employees in the same manner that they apply to employees who work on-site.

Benefits and Compensation

- I understand that compensation will remain the same when I work remotely because the job responsibilities of remote workers and on-site workers remain the same.

- I understand that I will continue to be covered under the City's workers' compensation policy for injuries arising out of and in the course and scope of my employment and during work hours, and in the designated work area of the home. I agree to promptly advise my Supervisor and file an accident report in accordance with the City's policy if I am injured on the job and will do so as soon as possible after the injury occurs.
- I understand that the City is not liable for injuries occurring in my home workspace when I am not engaged in work. Further, the City is not liable for loss, destruction, or injury that may occur in, to, or around my home, including to family members or visitors.

Work Location

- I understand that, when I work remotely, I am authorized to work only at the approved location unless specifically authorized by my Supervisor to work while traveling and then only to the extent authorized.
- I agree that I will not change my remote work location without prior approval by the City. If I want to relocate, I will first alert my Supervisor and Human Resources to request a change to my remote work location.

Workspace

- I will maintain my workspace in a safe condition, free from safety hazards. I will complete all safety checklists accurately and promptly submit them as instructed.
- I will make the work site accessible to City representatives for inspection as may be necessary to verify compliance with City policies or to investigate a workspace injury.
- I will notify my Supervisor if I no longer have a workspace that complies with the safety checklist or otherwise poses a safety hazard.
- I will notify my Supervisor immediately if something changes in my workspace and I no longer have a workspace that will minimize interruptions.
- I agree that no in-person City business-related meeting may occur in my personal residence. I, not the City, am liable for any injuries sustained by visitors to my remote worksite.
- I agree to use a workspace where confidential or proprietary information cannot be observed or accessed by anyone else, including other members of my

household. I agree to secure all confidential or proprietary information consistent with City policy.

- I agree to dispose of confidential or proprietary information only at my City work location.
- I will promptly report to my Supervisor any access to confidential or proprietary information by anyone other than myself, and any virus, malware or other impediment to the full functioning of my equipment and programs.
- I will promptly report to my Supervisor any loss or damage to City equipment, files, documents or other resources.
- I represent that I have determined that remote work from my designated workspace will comply with all applicable laws, including zoning, homeowner's association, and local business licensing laws. I will promptly notify my Supervisor if I become aware of any changes in such laws or rules that affect the use of my workspace for remote work.
- I agree to provide the City with access to the workspace upon reasonable notice and during working hours in order to retrieve equipment and supplies, ensure the workplace is compliant with this Policy. I agree that 48 hours' advance notice is presumptively reasonable for visiting the workspace during regular business hours, Monday through Friday, on days not recognized as City holidays.

Equipment and Supplies

- The City provides one workstation setup for each individual and that equipment can be used at my designated City location or at my remote workspace. I agree that if I need any other equipment to accommodate a medical or disability need, I am familiar with how to seek such accommodation and if not, I will inquire with Human Resources.
- I must care for any City-owned equipment provided in a manner suitable to the equipment and the purposes for which it was provided.
- I will promptly report to my Supervisor any damage or loss of the City's equipment, other loss or injury to the City's interests or any illness of or injury to myself.
- I understand that the City provides appropriate software licenses per employee regardless of work location. I will use City-supplied or approved hardware and software at all times for all work for the City. City software, in addition to the hardware, remains the property of City and may not be duplicated or modified for any reason.

- I have and will maintain an internet connection that provides a stable and secure connection from my home to the City's network.
- I agree the City will allow the use of personal cellular devices for remote work communications. The City is not responsible for any associated costs for the use, damage, or replacement of my personal cellular device.
- I agree to transact all City business on the City's network and voicemail systems that belong to the City or are approved by the City.
- I agree to send all email communications regarding City business through the City's email systems or as permitted by the City's information security policies.
- I understand and agree that all telecommunications, email, and all data on City equipment, systems, and storage media are owned by the City and that all City-related email and all data on any personal equipment, systems or storage media used for business are owned by the City. Such telecommunications, email, and data are subject to the City's policy regarding the ownership of and absence of privacy in such resources even if located at a remote location. I understand and agree that the City may retrieve and read any message or data composed, sent, received, or stored on its equipment, supplies, systems or storage media and may retrieve and read any City messages or data composed, sent, received or stored on my personal equipment. I expressly consent to electronic monitoring of all of the foregoing.
- I understand that the City may provide paper, files, pens, and similar office supplies from the office to which I report.
- I agree that my remote work under this agreement is entirely voluntary. I agree that any expenses incurred in connection with my voluntary remote work are not necessarily incurred on behalf of the City. I agree that I am responsible for expenses associated with my remote workspace, including but not limited to heat, electricity, internet service, phone, and printer.

Termination

- This Agreement may be terminated by either party at any time.
- I agree that upon request, termination of the Agreement, or termination of employment, I will immediately deliver to the City all City information, documents, files, storage media, supplies, equipment, and other property and all duplicates thereof on a regularly scheduled workday, as directed by the City at either my remote work site or office work site, immediately following a request, termination of the Agreement, or termination of employment.

- I agree to safeguard all the City-owned information, documents, files, storage media, supplies, equipment, and other property and all duplicates thereof until recovered by the City, regardless of any delay in the recovery by the City of such documents, files, storage media, supplies, equipment, and other property and all duplicates thereof, including such documents or information stored on my personal devices.

Remote Work Type and Schedule

Address for Authorized Work Location_____

Address Line 1_____

Address Line 2_____

City_____

State_____

Is this a new or updated request?

☐ New Request

☐ Update/Modification to an Existing Request

Do you have access to protected data?

☐ Yes

☐ No

☐ I don't know

Remote Work Schedule Days (Not to exceed 2 days)

☐ Sunday ☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday

Signature_____

Employee Name _____

Job Title_____

Department_____

Department Director_____

City Administrator_____

City of Roeland Park
Employee Handbook
Receipt

I acknowledge receipt of a copy of the City of Roeland Park Employee Handbook adopted _____ . I also acknowledge that its provisions are guidelines, subject to revision by the Governing Body at any time, and are not a contract of any kind between me and the City of Roeland Park.

Dated: _____

Employee's Signature: _____

Employee's Printed Name: _____

Item Number: II. Discussion
Items



City of Roeland Park
Action Item Summary

Submitted By:

Michael Poppa, Mayor

Committee/Department: Administration

Title: Discuss Update and Translate Procedural Rules Printed on the Back of City Council and Governing Body Workshop Agendas

Item Type: Action Item

Recommendation:

To approve updates to the procedural rules.

Details:

Fiscal Impact	
Amount of Request:	
Budgeted item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

Diversity Equity & Inclusion Lens

What are the implications to intersectionality?

- Does this item benefit all racial groups?
- Does this item benefit Community for All Ages?
- Does this item exclude or disproportionately impact any social identities? If yes, what populations and why?
- What (if any) social determinants of health are impacted by this item?
- What (if any) are the unintended economic and environmental impacts of this item?
- How has the impacted community been involved?
- How will the program be communicated to all stakeholders?

ATTACHMENTS:

1. Procedural Rules for Council & Workshop Draft - REDLINE

2. Procedural Rules for Council & Workshop Draft - CLEAN

Welcome to this public meeting of the ~~Roeland Park Governing Body~~. ~~City Council of Roeland Park.~~ Below are the Procedural Rules of Council. ¶

The Mayor and City Council encourage public ~~The City Council encourages citizen~~ participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following ~~Procedural Rules~~ rules have been established to facilitate the transaction of business during this public ~~the~~ meeting. Please take a moment to review these rules before the meeting begins.

A. ~~Attendee~~ Audience Decorum. Members of the ~~public~~ audience shall not engage in disorderly or boisterous conduct, ~~including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that~~ disrupt, impede, or otherwise render the orderly conduct of this public ~~the City Council~~ meeting unfeasible. Any member(s) of the ~~public~~ audience engaging in such conduct shall, at the discretion of the ~~Chair~~ Mayor (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from ~~the~~ that meeting. Please ~~silence~~ return all ~~mobile devices~~ cellular telephones and other noise-making devices off or set to "silent mode" before the meeting begins.

B. Public Comment Request to Speak Form. The request form's purpose is to have a record for the City Clerk. Members of the public may address the ~~Governing Body~~ City Council during Public Comments ~~and/or before consideration of any agenda item~~; however, no person shall address the Council without first being recognized by the ~~Chair~~ Mayor (Chair). Any person wishing to speak, ~~whether during Public Comments or on an agenda item~~, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk before the ~~Chair~~ Mayor (Chair) calls for Public Comments. ~~or calls the particular agenda item.~~ ¶

¶

1. ~~Public Comment on Non-Agenda Items.~~ The Agenda shall provide for public comment about matters that are within the jurisdiction of the City but are not specifically listed on the Agenda. A member of the public who wishes to speak under Public Comments must fill out a Public Comment Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls for Public Comments. ¶

¶

2. ~~Public Comment on Agenda Items.~~ Public comment may also ~~will~~ be accepted on Agenda items, at the discretion of the Chair. A member of the public, who wishes to speak on any Agenda item, ~~including items on the Consent Agenda~~, must fill out a Request to Speak form and submit it to the City Clerk before the ~~Chair~~ Mayor (Chair) calls the Agenda item.

C. Purpose. The purpose of addressing the ~~Governing Body~~ City Council is to communicate formally ~~with the Council~~ regarding matters that relate to ~~city~~ Council business or ~~public~~ citizen concerns ~~within the subject matter jurisdiction of the City Council~~. Persons addressing the ~~Governing Body~~ City Council on an agenda item shall confine their remarks to the matter under consideration ~~by the Council~~.

D. Speaker Decorum. Each person addressing the ~~Governing Body~~City Council, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of ~~this~~the publicCouncil meeting. Any person, who so disrupts the meeting shall, at the discretion of the ~~Chair~~Mayor (Chair) or a majority of the Council Members present, be subject to removal from that meeting.

E. Time Limit. In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the ~~Governing Body~~City Council, each speaker shall limit comments to ~~two~~five minutes. ~~If a large number of people wish to speak, this time may be shortened at the discretion of~~by the ~~Chair~~Mayor (Chair) so that the number of persons wishing to speak may be accommodated within the time available.

F. Speak Only Once. Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of ~~their~~his/her time to another, and no speaker will be credited with time requested but not used by another.

G. Addressing the ~~Governing Body~~Council. Comment and testimony are to be directed to the ~~Chair~~Mayor (Chair). Dialogue between and inquiries from ~~members of the public~~citizens at the lectern and individual ~~Governing Body Members~~Council Members, members of staff, or the ~~other attendees~~seated audience is not permitted. ~~Governing Body Members~~Council Members seeking to clarify testimony or gain additional information should direct their questions through the ~~Chair~~Mayor (Chair). Always speak from the microphone to ensure that all remarks are accurately and properly recorded. Only one speaker should be at the microphone at a time. Speakers are requested to state ~~for the record~~ their full name, ~~city of residence, address~~ and group affiliation, if any, before delivering any remarks.

H. Agendas and minutes can be accessed at www.roelandpark.org or by contacting the City Clerk

~~The Mayor and City Council welcome~~The City Council welcomes your participation and ~~appreciate~~appreciates your cooperation. If you would like additional information about ~~these~~the City Council or its proceedings, please contact the City Clerk at (913) 722.2600.

Welcome to this public meeting of the Roeland Park Governing Body.

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- A. **Attendee Decorum.** Members of the public shall not engage in disorderly or boisterous conduct that disrupt, impede, or otherwise render the orderly conduct of this public meeting unfeasible. Any member(s) of the public engaging in such conduct shall, at the discretion of the Chair, be declared out of order and shall be subject to reprimand and/or removal from the meeting. Please silence all mobile devices and other noise-making devices before the meeting begins.
- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Governing Body during Public Comment; however, no person shall address the Council without first being recognized by the Chair. Any person wishing to speak during Public Comments, shall first complete a Public Comment Request to Speak form and submit this form to the City Clerk before the Chair calls for Public Comments. Public comment may also be accepted on Agenda items, at the discretion of the Chair. A member of the public who wishes to speak on any Agenda item must fill out a Request to Speak form and submit it to the City Clerk before the Chair calls the Agenda item.
- C. **Purpose.** The purpose of addressing the Governing Body is to communicate formally regarding matters that relate to city business or public concerns. Persons addressing the Governing Body on an agenda item shall confine their remarks to the matter under consideration.
- D. **Speaker Decorum.** Each person addressing the Governing Body, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of this public meeting. Any person, who so disrupts the meeting shall, at the discretion of the Chair, be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Governing Body, each speaker shall limit comments to two minutes. This time may be shortened at the discretion of the Chair.
- F. **Speak Only Once.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to

yield part or all of their time to another, and no speaker will be credited with time requested but not used by another.

- G. **Addressing the Governing Body.** Comment and testimony are to be directed to the Chair Dialogue between and inquiries from members of the public at the lectern and individual Governing Body Members, members of staff, or the other attendees is not permitted. Governing Body Members seeking to clarify testimony or gain additional information should direct their questions through the Chair. Always speak from the microphone to ensure that all remarks are accurately and properly recorded. Only one speaker should be at the microphone at a time. Speakers are requested to state for the record their full name, city of residence, and group affiliation, if any, before delivering any remarks.

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The Mayor and City Council welcome your participation and appreciate your cooperation. If you would like additional information about these proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: II. Discussion
Items



City of Roeland Park
Action Item Summary

Submitted By:

Jennifer Jones-Lacy, Assistant City Administrator Director of Finance

Committee/Department: Administration

Title: Discuss Small Business Incentives (10 min)

Item Type: Action Item

Recommendation:

To review and discuss the Small Business Incentive Proposal as part of Project RISE

Details:

The mission of Project RISE is to Recruit, Identify, Support, and Encourage our area businesses, with a focus on small business. One directive of Project RISE is to offer a package of incentives to new and existing small businesses to foster growth, encourage local entrepreneurship, and enhance the vibrancy of Roeland Park. Staff is recommending a pilot program where we offer the following incentives to small businesses who qualify.

Program Overview:

Project RISE offers incentives tailored to support businesses with 10 or fewer employees, defined as one employee per person regardless of hours worked. The program applies to both new and existing businesses within the city.

Incentives for New and Existing Businesses:

1. Sponsored Chamber Membership of Choice for One Year

- Maximum value: \$2,500/year.
- Businesses can join the Northeast Johnson County Chamber, the Hispanic Chamber, the Black Chamber, or the LGBTQ Chamber for one year through sponsorship by the City of Roeland Park. Participation in Chamber-related functions and events is required to maximize the benefits of membership.

2. Sponsorship of Participation in a Leadership Program for One Year

- Maximum value: \$3,000/year.
- Available for Leadership NEJC (Northeast Johnson County Chamber) or the Metzler Mentorship Program (Mid-America LGBTQ Chamber).
- Eligibility: Business owner or local on-site manager; one participant per business every three years.
- Priority: Local businesses (non-chains) and Diverse Business Entities

(51% ownership by socially or economically disadvantaged groups, including minorities, women, veterans, disabled individuals, or LGBTQ community members).

○

3. Small Business Microgrants

- Maximum value: \$30,000.
- Available to new and existing small businesses with a retail storefront in Roeland Park.
- Refer to the Small Business Microgrant Policy for further details.

Additional Incentives for New Businesses Located in a Commercial Space:

1. Building Permits for Tenant Finish/New Construction

- Discount of up to \$1,000 on tenant finish or new construction permits.

2. Sign Permits

- Waiver of fees for sign permits.

3. Business Licenses

- Waiver of first-year business license fees.

Fiscal Impact:

The program's funding allocation will be incorporated into the Economic Development Fund, with a projected initial budget of \$40,000 to cover sponsorships, microgrants, and fee waivers.

Implementation Timeline:

If approved, the program will be launched in the upcoming fiscal quarter. Key milestones include:

- Development of application materials and guidelines: February 3, 2025
- Public outreach and information sessions: Starting on February 4, 2025
- Application deadlines: Starting on February 21, 2025
- Awarding of incentives: Microgrant applications will be accepted and reviewed quarterly.

Conclusion:

Project RISE represents a forward-thinking investment in Roeland Park's economic development. By addressing the needs of small businesses, the program seeks to enhance local commerce, create jobs, and promote a thriving business environment.

The Small Business Microgrant Policy is attached.

Fiscal Impact	
Amount of Request: \$40,000 estimated	
Budgeted item? No	Budgeted Amount: \$0.00
Line Item Code/Description: New Account in the Economic Development Fund	

Additional Information

Diversity Equity & Inclusion Lens

What are the implications to intersectionality?

- Does this item benefit all racial groups?
- Does this item benefit Community for All Ages?
- Does this item exclude or disproportionately impact any social identities? If yes, what populations and why?
- What (if any) social determinants of health are impacted by this item?
- What (if any) are the unintended economic and environmental impacts of this item?
- How has the impacted community been involved?
- How will the program be communicated to all stakeholders?

ATTACHMENTS:

1. Small Business Microgrant Policy Draft



Approved DATE

Effective DATE

Small Business Microgrant Program

Revised IF APPLICABLE

I. SCOPE

Subject to annual appropriation, the Governing Body may approve funding for the Small Business Microgrant Program in Roeland Park. The initial funding will be set at \$30,000 for 2025. Funding will come from the Economic Development Fund. Only businesses that meet the definitions of small businesses and operate in a retail store front will be eligible.

II. PURPOSE

To provide small retail businesses in Roeland Park with opportunities to help them thrive and gain support from the City through microgrants for appropriate business development and advancement uses.

III. RESPONSIBILITY

Assistant City Administrator, Project RISE Task Group

IV. DEFINITIONS

- Small Business – A business that has 10 or few employees. Each person constitutes one employee, regardless of hours worked.
- Retail Storefront – A business that has a storefront in a commercially zoned district within Roeland Park.
- Diverse Business Entity – A business that has at least 51% owned, operated and controlled by members of a socially or economically disadvantaged group These groups include:
 1. **Minority-owned:** Owned by one or more minorities, such as African-Americans, Hispanic-Americans, Asian-Americans, Native-Americans, or Asian-Indian Americans
 2. **Woman-owned:** Owned by one or more women, regardless of their ethnic background
 3. **Veteran-owned:** Owned by one or more veterans
 4. **Disabled-owned:** Owned by one or more people with disabilities, regardless of their ethnic background
 5. **LGBTQ-owned:** Owned by members of the LGBTQ community

V. POLICY

The City will provide a microgrant for small businesses with a retail storefront in Roeland Park for assistance with purchases that would advance their business needs. Grants will be up to \$2,000 each. This include but will not be limited to:

- Marketing assistance

- Employee training
- Business software or hardware purchase
- Consultant assistance with legal, human resources, accounting, etc.
- Physical improvements to the retail space
- Security upgrades to hardware/software

Grants cannot fund ongoing expenses associated with the business such as rent, utilities, payroll, annual maintenance fees, etc. All requests will be reviewed and receive approval from the Project RISE Task Force.

To qualify, small retail businesses must be located within Roeland Park and must have a valid business license with the City of Roeland Park and be registered as a business with the Kansas Department of Revenue and Secretary of State. Only one grant per business is allowed per year. Grants will be reimbursable, and receipts must be submitted with reimbursement request. Only purchases made in the calendar year the grant is approved will be eligible for reimbursement.

VI. **PROCEDURES**

- Eligible businesses will apply online at projectriserp.com. Only completed applications will be reviewed.
- Applications will be due quarterly as long as funding lasts for the program. Deadlines will be March 1, June 1, Sept 1 and December 1 annually.
- Once received, City staff will review the application to ensure it meets the minimum criteria.
- The Project RISE Task Force will convene to review eligible applications considering the following criteria:
 1. Number of years in business
 2. If the business is owned and/or operated by a Diverse Business Entity
 3. If the grant request is for a single purchase
 4. How will the grant enhance the business
- Upon approval, the applicant must make the purchase and produce a receipt of service to City Staff prior to receiving reimbursement. Reimbursement will be made within 30 days of submission of receipts for approved services.