

## **RESOLUTION NO. 1917**

### **A RESOLUTION PROVIDING FOR THE ADOPTION OF A REVISION TO THE PERSONNEL POLICIES AND PROCEDURES, 2010 EDITION, FOR THE CITY OF GARDNER, KANSAS.**

**WHEREAS**, the City of Gardner now deems it advisable to update uniform personnel policies and procedures for employees of the City of Gardner; and

**WHEREAS**, it is the intent of the City Council of the City of Gardner to accomplish a general housekeeping resolution to clean up to the City's personnel policies and procedures;

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

**SECTION ONE:** Section 1-101.15 is repealed.

**SECTION TWO:** Section 1-101.17 is amended to read as follows: **EMPLOYEE:** Any person working for the City but not independent contractors, committees, or volunteers.

**SECTION THREE:** Section 1-101.23 is amended to read as follows: **GOVERNING BODY:** The City Council, as elected by the residents of Gardner, Kansas.

**SECTION FOUR:** Section 1-101.24 is amended to read as follows: **HUMAN RESOURCES DIVISION:** The duly appointed division responsible for the professional and administrative human resources and risk management functions of the City.

**SECTION FIVE:** Section 1-101.27 is amended to read as follows: The first six months of employment for all employees other than Police Officers who remain in an Introductory Period until successful completion of the Academy.

**SECTION SIX:** Section 5-110.3.3 is amended to read as follows: The City pays 100% of the administrative costs. The employee chooses their payroll deduction up to a maximum as allowable by IRS regulations for unreimbursed medical expenses and dependent care expenses.

**SECTION SEVEN:** Section 2-102, first paragraph, is amended to read as follows: The City of Gardner, Kansas is organized under a Mayor/Council form of government. Under this form of government, the City Administrator is responsible for the administration of the City including the administration of personnel policies and procedures and employee benefits. The City Administrator delegates responsibility through Department Directors and/or other members of Management, who in turn delegate to Supervisors within their respective departments. Each Department Director and Supervisor is responsible for thorough and consistent implementation of the City Personnel Policies and Rules within his or her area.

**SECTION EIGHT:** Section 2-103.2 is removed in its entirety.

**SECTION NINE:** Section 2-103.3 is now numbered Section 2-103.2.

**SECTION TEN:** Section 2-103.4 is now numbered Section 2-103.3.

**SECTION ELEVEN:** Section 2-104.2 is amended to read as follows: Each employee has a duty to report any information that assists the City in administering these policies. Examples include, but are not limited to, reporting possible violations and imminent safety threats. The employee shall report this information to his or her immediate supervisor, Department Head, or the Human Resources Division.

**SECTION TWELVE:** Section 2-104.4, last paragraph, is amended to read as follows: Your notification of a problem is essential to us. We cannot help to resolve discrimination or harassment problems unless we know about them. Therefore, it is your responsibility to bring these kinds of problems to the Human Resources Division in a prompt manner.

**SECTION THIRTEEN:** Section 2-104.5 is amended to read as follows: The law prohibits retaliation against any employee who makes a complaint of discrimination or harassment based on gender, race, religion, national origin, color, age, citizenship, ancestry, veteran status, disability or any other protected category. In addition, the City will not retaliate against any individual who participates in an investigation of harassment or discrimination for any of the reasons noted above. If you believe that you have been retaliated against, in violation of this policy, please report the conduct, using the complaint procedure described below, to the Human Resources Division or any other member of management with whom you feel comfortable. The City will not tolerate illegal retaliation.

**SECTION FOURTEEN:** Section 2-104.6, first paragraph, is amended to read as follows: Every employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers. If you experience any job-related harassment based on your gender, sex, race, religion, national origin, color, age, citizenship, ancestry, veteran status, disability, or any other factor, or believe you have been treated in an unlawful, discriminatory or retaliatory manner, promptly report the incident to the Human Resources Division, or to any managerial employee who will then be responsible for promptly reporting the incident to the Human Resources Division. The Human Resources Division will promptly investigate complaints and ensure that appropriate action is taken. Your complaint will be kept confidential to the maximum extent possible. You have a duty to report improper conduct promptly, to allow the City to conduct a timely investigation.

**SECTION FIFTEEN:** Section 2-104.7, last paragraph, is amended to read as follows: If you believe that you are protected by the provisions of the Americans with Disabilities Act and need some type of accommodation, please notify the Human Resources Division. The City will then work with you to determine if a reasonable accommodation is necessary or possible.

**SECTION SIXTEEN:** Section 2-104.8 is amended to read as follows: Your opinions are important to us. If you ever feel you have not been treated fairly, bring your concerns to the attention of your supervisor and/or to the Human Resources Division. If something is troubling you, take the following steps:

- Think your problem through
- Place your thoughts in logical order
- Schedule an appointment with your supervisor or the Human Resources Division

Your supervisor and the Human Resources Division have an Open Door Policy. This means that we are always open to work related discussions. Your supervisor will listen, understand, correct, and/or explain. Your supervisor will do his or her best to address the problem. If you do not get the problem resolved to your satisfaction, you may talk to the Human Resources Division.

**SECTION SEVENTEEN:** Section 2-104.9 (d) is amended to read as follows: (d) Employees who have a financial or other private interest in any proposed City legislation shall disclose the nature and the extent of such interest to the Human Resources Division.

**SECTION EIGHTEEN:** Section 2-104.10 is amended to read as follows: Full-time employees of the City may hold an outside job if there is no conflict of working hours; there is no conflict of interest; and the employee's efficiency is not reduced. All outside jobs must be pre-approved by the appropriate Department Director in order to assure that no conflict exists. If a Department Director approves outside employment, he or she is responsible for promptly notifying the Human Resources Division. In the event an outside job affects performance of the employee's City job, to be determined by the City at its sole discretion, the Department Director will require the employee to take whatever action necessary to eliminate further interference. Employees may not engage in private business while on duty.

**SECTION NINETEEN:** Section 2-104.12, first paragraph, is amended to read as follows: Smoking shall not be permitted in any City building or enclosed facility, including but not limited to community buildings, treatment plants, concession areas, and restrooms. This policy applies to all employees, clients, contractors, and visitors. Smoking shall be permitted only at a reasonable distance of 10 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

**SECTION TWENTY:** Section 2-104.16.4 (2) is amended to read as follows: 2. If the Administrative Assistant is not available, contact the Human Resources Division to assist.

**SECTION TWENTY-ONE:** Section 2-104.17.2, paragraphs six, seven and eight, are amended to read as follows: An employee's personnel file and the information therein shall be accessible only to the employee, the employee's supervisor or Department Director, the Human Resources Division, the City Administrator, the City Attorney or other counsel representing the city, or to others with the written release of the employee.

An employee's confidential or medical file and the information contained therein is only accessible through authorization by the Human Resources Division or the City Administrator, or the designated officer for emergency services, as permitted by law.

Authorized persons requesting access to an employee's personnel file, confidential file, or medical file shall provide the Human Resources Division with reasonable notice. All inspections and copying of information contained shall be performed by or under the supervision of the Human Resources Division during regular business hours.

**SECTION TWENTY-TWO:** Section 3-103.1, first paragraph, is amended to read as follows: Upon determination by the Department Director that a budgeted vacancy exists and a need to fill such vacancy is warranted, the Department Director shall complete and submit a Request to Hire Form to the Human Resources Division for approval by the City Administrator. The Governing Body may request Human Resources to provide such information as would be needed in determining the proper classification and compensation of such position opening and to determine the economic impact of approving, or denying the request for the position opening.

**SECTION TWENTY-THREE:** Section 3-103.3 is amended to read as follows: In order to initiate the recruitment process when a vacancy occurs, the appropriate Department Director shall complete and submit a Request to Hire Form to the Human Resources Division.

**SECTION TWENTY-FOUR:** Section 3-103.5 is amended to read as follows: In the event a sufficient number of qualified applicants have not made application for the vacant position, the Department Director, after consultation with the Human Resources Division, may extend the closing date and/or re-advertise the position, postponing the screening process. The City reserves the right to cancel any screening process at any time.

**SECTION TWENTY-FIVE:** Section 3-103.7 is amended to read as follows: For Police Officers, an eligibility list may be created and kept active and may be given further consideration for up to a year of the applicable published closing date if the position re-opens, or another similar vacancy occurs. Other recruitment methods may be waived if consideration is given to an applicant who is currently on the Eligibility List. The City is under no obligation to select from an Eligibility List and may choose to begin a new recruitment process.

**SECTION TWENTY-SIX:** Section 3-104.2, last paragraph, is amended to read as follows: Relatives of full time employees are not precluded from working on a volunteer basis.

**SECTION TWENTY-SEVEN:** Section 3-105.2, paragraphs one and three, is amended to read as follows: As part of the City's employment procedures, positions which are required by State or Federal law to take and pass a post-offer, pre-employment medical examination will first be offered employment based upon satisfactory completion of the examination and determination by the examining physician selected by the City that the candidate can perform the essential functions of the position offered, with or without reasonable accommodations. In the case of Police Officers, the post-offer medical examination may include a psychological examination.

A full-time or part-time employee who is being transferred, or demoted into a full-time position with significantly different job requirements (if job related and consistent with business necessity) may be required to take a medical and, in the case of Police Officers, a psychological exam.

**SECTION TWENTY-EIGHT:** Section 3-106 is amended to read as follows: Applicants for Department Director level positions and above shall be appointed by the City Council upon recommendation of the City Administrator. Applicants for full and part-time positions shall be appointed by the City Administrator upon recommendation by the Department Director. Applicants for temporary positions shall be appointed by the Department Director.

**SECTION TWENTY-NINE:** Section 3-106.1, first paragraph, is amended to read as follows: Employees in the position of City Administrator and Police Chief have six (6) months from the date of hire to establish residency within the City, except as exempted by the City Council. If the employee is making a reasonable effort to comply, but due to extenuating circumstances has not been able to relocate, the City Council may grant an extension for a determined length of time.

**SECTION THIRTY:** Section 3-106.2 is amended to read as follows: The City organization has established the following types of positions:

**FULL-TIME:** A position regularly scheduled for year-round employment that normally includes eight (8) hours a day or forty (40) hours in a standard workweek of seven (7) days.

**EXCEPTION:** Police work schedule shall include not more than eighty (80) hours in a standard two-week work period on a schedule assigned by the Department Director.

**PART-TIME:** A position that the duties and responsibilities require one person to work an average of less than twenty (20) hours per week. The job may be for a specified period of time or indefinitely.

**TEMPORARY/SEASONAL:** A position which is scheduled to fill job requirements which occur intermittently for a program, project, or during certain times of the year. The anticipated date of separation is known prior to commencement of employment. During the period of employment, hours of work may vary according to job requirements, but generally are based on a forty (40) hour workweek schedule.

**SECTION THIRTY-ONE:** Section 3-107 (e) is amended to read as follows: (e) A Payroll Change Notice stating the position, effective date, salary amount, and other relevant information must be completed and signed by the Department Director, Human Resources Division, and City Administrator.

**SECTION THIRTY-TWO:** Section 4-103.12 is amended to read as follows: The Evaluator's immediate supervisor who will review the completed performance evaluation form with the Evaluator prior to the Evaluator meeting with the employee. The Evaluator is also required to obtain the signature of his or her immediate supervisor on the completed performance evaluation prior to the time the Evaluator meets with the employee. A copy of the signed performance evaluation is required to be submitted to the Human Resources Division prior to the time the Evaluator meets with the employee.

**SECTION THIRTY-THREE:** Section 4-104.2 is amended to read as follows: Police Add-On - To be used in conjunction with Form A in evaluating sworn Police personnel other than supervisors.

**SECTION THIRTY-FOUR:** Section 4-108.2 is amended to read as follows: The employee may wish to make comments regarding the evaluation and what they will do to improve performance. If an employee wishes to discuss the evaluation further they may request a meeting with the Human Resources Division.

**SECTION THIRTY-FIVE:** Section 4-108.3.1 is amended to read as follows: New employees (new hires, laterally transferred, or demoted): The employee's performance is evaluated at or about the time the employee completes the applicable *introductory* period for his or her position or about ten (10) days prior to the completion of the their first six months in the position, whichever is sooner. The evaluator and the employee will meet to jointly review the employee's performance. The employee may be eligible for a merit increase at that time depending upon performance and available budgetary resources. If the individual's performance level is below performance standards and the Director and Human Resources Division may extend the evaluation period. During this time, the employee is not eligible for a performance increase until the employee satisfactorily completes the extended evaluation period. In such cases the supervisor will inform the employee of the action and state the reason(s) for the extension of the evaluation period. The employee's performance will be evaluated again at or about the time the employee completes half of the extended evaluation period and again on or about ten (10) days prior to the completion of the extended evaluation period.

**SECTION THIRTY-SIX:** Section 4-109.1 is amended to read as follows: The City has four (4) established types of positions:

**1. FULL TIME:**

A position regularly scheduled for year-round employment that normally includes eight (8) hours a day or forty (40) hours in a standard workweek of seven (7) days. EXCEPTION: Police work schedule shall include not more than eighty (80) hours in a standard two-week work period on a schedule assigned by the Department Director.

**2. PART TIME:**

A position that the duties and responsibilities require a person to work an average of less than twenty (20) hours per week. In order for a part-time employee to be eligible for benefits he or she must work over 1000 hours per year. The job may be for a specified period of time or indefinitely.

**3. TEMPORARY/SEASONAL:**

A position which is scheduled to fill job requirements which occur intermittently for a program, project, or during certain times of the year. The anticipated date of separation is known prior to commencement of employment. During the period of employment, hours of work may vary according to job requirements, but generally are based on a forty- (40) hour workweek schedule.

**SECTION THIRTY-SEVEN:** Section 4-110.1 is amended to read as follows: All Non-exempt employees, except Police officers, shall have a one-hour lunch period and 30 minutes of break time to be divided equally between morning and afternoon. Department Directors will establish the break policies for their departments. Lunch periods and break time for Police officers shall be as defined by departmental policies and procedures.

**SECTION THIRTY-EIGHT:** Section 4-110.2.1 (c) is amended to read as follows: (c) Non-exempt employees shall be paid overtime pay for hours worked over forty (40) in a workweek. EXCEPTION: Police officers shall be paid overtime pay for hours worked over eighty (80) in a two-week work period.

**SECTION THIRTY-NINE:** Section 4-121, paragraphs four and seven, are amended to read as follows: Employees are required to report all violent incidents or threats of violent incidents to their supervisor regardless of whether physical injury occurs. If, because of special circumstance, an employee feels it is necessary, the employee may bypass their supervisor and take the complaint up through the department chain of command or directly to the Human Resources Division or City Administrator. Threats must be reported and documented when the behavior has been observed on the job or the threat has the potential to be carried out on city property or in the course of conducting city business. In case of true emergency employees are encouraged to call 911 for emergency assistance.

EXCEPTION: Due to the nature of their jobs, this policy is not meant to address violence for Police officer positions.

**SECTION FORTY:** Section 4-123 (b) and (d) are amended to read as follows: (b) An employee who has a specific issue of concern regarding any aspect of the work environment should discuss it with their immediate supervisor, if possible. If the specific concern is in regard to their immediate supervisor, the employee should follow through the department chain of command or bring the concern to the attention of the Human Resources Division.

(d) If progressive discussions with the supervisors and the Department Director do not offer information or action which satisfies the employee, the employee may request a meeting to discuss the concern with the Human Resources Division and/or the City Administrator, as appropriate. The decision of the City Administrator is final.

**SECTION FORTY-ONE:** Section 5-102.1 is amended to read as follows: A change of status occurs when an individual experiences any change to position or salary due to being hired, transferred, receiving a performance increase, or their position being reclassified or re-graded. A written notice of the change of status must be completed and approved by the Department Director, City Administrator, and Human Resources Division for every change of status.

**SECTION FORTY-TWO:** Section 5-103.6, last paragraph, is amended to read as follows: The City Administrator shall determine who shall perform the job evaluation for the position. In most cases, the job evaluation shall be completed by the supervisor or the Department Director, and the Human Resources Division.

**SECTION FORTY-THREE:** Section 5-103.7 is amended to read as follows: The Human Resources Division shall be responsible for summarizing the information from the job description changes, the salary survey, and the job evaluation and making a recommended salary range determination to the appropriate Department Director and the City Administrator. The City Administrator will review and endorse the recommendation, endorse the recommendation with changes, or delay endorsement and request further study. If endorsed, the City Administrator shall determine the date the salary range determination shall become effective (based on budget constraints) and what, if any, changes should be made to the current salary of an individual occupying the position, and make a recommendation to the City Council for authorization. In most cases, if an adjustment is approved, it will be made the first day of the pay period most immediately following completion of the process. The amount of the adjustment will be based on the location of the current employee in the range, but will not usually exceed the amount of a normal merit increase. If substantial discrepancies are shown between the existing salary and the salary range determination, any approved salary change may be implemented over 1 to 2 years.

**SECTION FORTY-FOUR:** Section 5-104.1, second paragraph, is amended to read as follows: Non-exempt employees shall be paid overtime pay for hours worked over forty (40) in a workweek. EXCEPTION: Police officers shall be paid overtime pay for hours worked over eighty (80) in a two-week work period.

**SECTION FORTY-FIVE:** Section 5-106.7 is amended to read as follows:

- (a) Any employee who is temporarily designated to work longer than ten (10) consecutive working days in a position in a salary range with a higher maximum salary than their own will be compensated at the greater of the minimum of the higher salary range or a five percent (5%) increase while performing in the higher salary range beginning on the eleventh consecutive working day.
- (b) No employee shall be assigned to a higher-level position entitling them to “working out of class” pay without approval of the City Administrator.

**SECTION FORTY-SIX:** Section 5-108(a) is amended to read as follows: (a) Employees fall into one of three (3) merit salary increase categories based on their performance evaluation. The highest category is Category Three. In order to achieve a Category Three rating, employees must achieve an Average Point Value of 2.76 or greater by earning an “Exceeds Performance Standards” rating on at least seventy-five percent (75%) of the Work Performance Criteria applicable to their job classification. Employees achieving a Category Three rating will be eligible to receive a merit increase to be added to their base salary. The merit increase is subject to review and approval by a review board consisting of the City Administrator, Human Resources Division, and the employee’s Department Director.

**SECTION FORTY-SEVEN:** Section 5-111.1.1 is amended to read as follows: KPERS is a mandatory retirement plan administered by the State of Kansas. All employees working in covered positions EXCEPT those employees working as commissioned Police Officers, including individuals in all other full-time and regular part-time positions of the City who meet the KPERS membership requirements, are required to participate. Participation begins on the first day of employment.

**SECTION FORTY-EIGHT:** Section 5-111.2.1 is amended to read as follows: KP&F is a mandatory retirement plan administered by the State of Kansas. All employees working in positions as commissioned Police Officers, including individuals in full-time and regular part-time positions of the City who meet the membership requirements, are required to participate. Participation begins on the first day of employment.

**SECTION FORTY-NINE:** Section 5-111.2.3 is amended to read as follows: Employees contribute a percentage of their gross salary as determined by the State of Kansas. The City contributes a percentage that is legislated by the State of Kansas.

**SECTION FIFTY:** Section 5-114.1(c) is amended to read as follows: C. All employees must complete a Letter of Intent for Educational Assistance. This application must be submitted and approved by the Department Director and the Human Resources Division prior to course registration. In the event the Human Resources Division rejects the application, the employee may appeal the decision to the City Administrator who will make the final determination.

**SECTION FIFTY-ONE:** Section 5-114.4 is amended to read as follows: Whenever the City requires the use of uniforms or safety equipment, the City will pay for its purchase and any maintenance (except laundry and dry cleaning) when such equipment requires it. EXCEPTION: In the case of Police, laundry and dry cleaning expenses are included.

**SECTION FIFTY-TWO:** Section 6-104, paragraph five, is amended to read as follows: EXCEPTION: Police Department personnel working shifts that include holidays and weekends, and are not scheduled to work the holiday, shall receive additional pay at their regular hourly rate for eight (8) hours of holiday pay. Police Department personnel must have eighty (80) hours recorded on their timesheet in order to receive eight (8) hours of holiday pay. Vacation, personal leave or overtime can be used to complete the eighty (80) hours. Work performed over eight (8) hours will be paid at double the hourly rate.

**SECTION FIFTY-THREE:** Section 6-112, first paragraph, is amended to read as follows: The Human Resources Division and a Department Director may institute an administrative leave with or without pay when:

- a) An employee has been arrested for a serious crime and is imprisoned pending trial or released on bail pending trial; or
- b) An employee has been charged with misconduct while on the job and the misconduct is being investigated or a disciplinary action is pending.
- c) An employee has filed a complaint of misconduct and the misconduct is being investigated.
- d) Reasonable suspicion that an employee is under the influence of drugs or alcohol;
- e) An employee endangering themselves, other employees, or members of the public; or
- f) An employee being grossly insubordinate and causing disruption of normal operations.



**SECTION FIFTY-FOUR:** Section 7-104, paragraph five, is amended to read as follows: In all cases of disciplinary action, a written notice of the action, signed by the Department Director or supervisor stating the reasons for such action will be given to the employee. The employee shall sign an acknowledgment of receipt. The employee's signature does not necessarily indicate agreement. A copy of the written notice and original acknowledgment shall be provided to the Human Resources Division for inclusion in the employee's personnel file.

**SECTION FIFTY-FIVE:** Section 7-105 is amended to read as follows: The appeal process is available to all full and part-time employees, except sworn officers of the Police Department. Sworn officers of the Police Department shall abide by specific policies and procedures related to discipline and review as set out departmentally.

An eligible employee may request a review of the disciplinary action before the City Administrator in cases of suspension, demotion, and termination.

The employee must submit a written request for a review to the City Administrator within seven (7) calendar days of the date they are notified of the disciplinary action. The request shall include the issues in question and what relief is sought. The City Administrator shall arrange a hearing within two (2) weeks of receipt of the written request. This time can be extended for reasonable cause.

A hearing will be held offering the opportunity for the employee and the supervisor to present the facts and considerations surrounding the disciplinary action.

- (a) The Human Resources Division will serve as an impartial facilitator of the review process. Responsibilities shall include establishing a fair and reasonable schedule, approving in advance and coordinating any witnesses, and providing documentation for the hearing. The judgment of the Human Resources Division is final with regard to review protocol.
- (b) No legal counsel will be allowed to represent either party at the hearing.
- (c) The City Administrator may interview the employee, supervisor, Department Director, or any other parties involved prior to making a decision.

At the conclusion of the review process, the City Administrator shall render a decision to uphold, overturn, or modify the disciplinary action imposed. The decision shall be put in writing and a copy provided to the employee, the Department Director, and filed in the employee's personnel file. The decision of the City Administrator is final.

**SECTION FIFTY-SIX:** Section 8-103.3 is amended to read as follows: Employees who believe that they have been unlawfully harassed should provide a written complaint to the Human Resources Division as soon as possible after the incident. The complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. The City will immediately undertake an investigation of the harassment allegations. The Human Resources Division will advise all parties concerned of the results of the investigation to the extent necessary, while maintaining confidentiality to the extent possible.

**SECTION FIFTY-SEVEN:** Section 8-103.4 is amended to read as follows: If the City determines that unlawful harassment has occurred, remedial action will be taken in accordance with the circumstances involved. Any employee determined by the City to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination.

The Human Resources Division will advise all parties concerned of the results of the investigation to the extent necessary, while maintaining confidentiality to the extent possible.

**SECTION FIFTY-EIGHT:** Section 8-105.3 (d) is amended to read as follows: (d) City employees who have reason to believe another employee is illegally using alcohol, drugs, or narcotics shall report the facts and circumstances immediately to a supervisor and/or the Human Resources Division.

**SECTION FIFTY-NINE:** Section 8-105.6 (b) is amended to read as follows: (b) Whether a drug or alcohol test is warranted shall be determined by the employee's immediate supervisor, with approval by the appropriate Department Director and shall be coordinated through the Human Resources Division or the City Administrator.

**SECTION SIXTY:** Section 8-105.10, last paragraph, is amended to read as follows: All questions regarding the Drug and Alcohol Policy and testing procedures may be directed to the Human Resources Division.

**SECTION SIXTY-ONE:** Section 9-106, last paragraph, is amended to read as follows: The exit interview will be conducted by the Human Resources Division or their designated representative.

**SECTION SIXTY-TWO:** Section 10-104.4.1 is amended to read as follows: The Human Resources Division has been designated the Exposure Control Officer for the City of Gardner. The Exposure Control Officer administers the City's overall bloodborne pathogen compliance program. The ECO may be contacted in person at City Hall or by phone at 913-856-7535. Typical duties of the Exposure Control Officer include, but are not limited to:

- a) Implementing the Bloodborne Pathogens Occupational Exposure Control Policy for the City of Gardner.
- b) Working with other Department Directors and employees to develop and administer additional bloodborne pathogen-related policies, practices and training as needed to effectively implement this policy.
- c) Review and update the Occupational Exposure Control Plan at least annually or more often if necessary to accommodate workplace changes.
- d) Act as City liaison during compliance inspections.

**SECTION SIXTY-THREE:** Section 10-104.4.3 is amended to read as follows: The Education/Training Coordinator provides all employees with the potential for exposure to bloodborne pathogens information on bloodborne pathogens and training on how to protect themselves from exposure. The Human Resources Division will perform the duties of the Education/Training Coordinator. Responsibilities of the coordinator include, but are not limited to:

- a) Maintaining a list of personnel requiring training.
- b) Developing and scheduling suitable education/training programs and reviewing programs as necessary to include new information.
- c) Maintaining appropriate training documentation and record keeping.

**SECTION SIXTY-FOUR:** Section 10-104.4.5 is amended to read as follows: The City has identified the following job classifications where occupational exposure to blood may occur, without regard to the use of personal protective equipment.

**Parks and Recreation Department**

Parks and Recreation Director

Parks Maintenance Worker  
Parks Maintenance Supervisor  
Athletic Supervisor  
Recreation Specialist  
Facility Supervisor  
Official  
Pool Manager  
Lifeguards

**Police Department**

Police Chief  
Police Captain  
Police Sergeant  
Police Officer  
Animal Control Officer

**Public Works Department**

Public Works Maintenance Worker – Line  
Public Works Maintenance Lead – Line  
Public Works Maintenance Worker - Streets  
Public Works Maintenance Lead – Streets  
Public Works Operations Manager  
Water/Wastewater Manager  
Wastewater Treatment Plant Operator  
Wastewater Maintenance Worker  
Plant Supervisor - Wastewater  
Water Treatment Plant Operator  
Plant Supervisor – Water Treatment  
Water Maintenance Worker

**Finance Department**

Meter Reader/Technician

**SECTION SIXTY-FIVE:** Section 10-104.4.7 is amended to read as follows: Engineering and work practice controls will be utilized to eliminate or minimize exposure to employees throughout the City of Gardner. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be utilized.

Hand-washing facilities are located in the following areas and are available to employees who incur exposure to blood or other potentially infectious materials:

City Hall	120 E Main	Restrooms, Break Room
Police Department	440 E Main	Restrooms, Break Room
Public Works Maint	329 Meadowbrook	Restrooms, Break Room
Parks & Rec Maint	111 Elm	Restrooms, Break Room
Hillsdale Water Plant	22705 Moonlight	Restrooms, Break Room
Wastewater Plant	32101 W 159th	Restrooms, Break Room
Celebration Park	32501 W 159th	Restrooms, Concessions
Westside Park	321 Bedford	Restrooms, Concessions
Aquatic Center	215 N Center	Restrooms, Concessions

Electric Administration	1150 E Santa Fe	Restrooms, Break Room
Distribution Center	1450 E Santa Fe	Restrooms, Break Room

If hand-washing facilities are not available at a remote site, the City will provide either an antiseptic cleanser in conjunction with clean cloth/paper towels, or antiseptic towelettes. If these alternatives are used, then the hands are to be washed with soap and running water as soon as feasible.

After removal of personal protective gloves, employees shall wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water. If employees incur exposure to their skin or mucous membranes then those areas shall be washed or flushed with water as appropriate as soon as feasible following contact.

City departments that must provide alternatives to readily accessible hand-washing facilities will ensure the available supply and accessibility of these alternatives.

**SECTION SIXTY-SIX:** Section 10-104.4.15, first paragraph, is amended to read as follows: All employees that have been identified as having an occupational risk of exposure to blood or other potentially infectious materials (except for summer seasonal employees due to the temporary nature of their employment), will be offered the Hepatitis B vaccine at no cost to the individual. The vaccination consists of three (3) inoculations given intramuscularly over a six (6) month period. Vaccinations are performed under the supervision of a licenses health care provider or other health care professional.

**SECTION SIXTY-SEVEN:** Section 10-104.4.18, paragraphs one and four, are amended to read as follows: Well-informed employees are crucial to eliminating or minimizing the risk of occupational exposure to bloodborne pathogens. All employees who have the potential for exposure to bloodborne pathogens will be comprehensively trained. Training will be done annually, and in the case of new or transferring employees, at the time of their job assignment. The Education/Training Coordinator, currently the Human Resources Division, is responsible for ensuring that all employees receive the correct training.

Training presentations will be conducted using the Bloodborne Pathogens Exposure Control Plan, the OSHA Standard, related videotapes, training aids, and other materials appropriate for the occupation. The Education/Training Coordinator, currently the Human Resources Division, may or may not be assisted by a health care professional.

**SECTION SIXTY-EIGHT:** Section 10-106.1 is amended to read as follows: The purpose of the Hazard Communication Program is to ensure that the City of Gardner complies with the federal OSHA Hazard Communication Standard by compiling a hazardous chemicals list, by using Material Safety Data Sheets (MSDSs), by ensuring that containers are labeled, and by providing employees with training. The Standard is designed to ensure that all employees who have potential occupational exposure to hazardous chemicals and substances are informed, trained, and made aware of precautionary measures. The Hazard Communication Coordinator is currently the Human Resources Division.

**SECTION SIXTY-NINE:** Section 10-106.5, paragraph eight, is amended to read as follows: It is important that all MSDSs be kept current, both those retained by each department and the master binder kept by the Hazard Communication Program Coordinator, currently the Human Resources Division. If an MSDS is for a chemical that is no longer on hand or that has been taken out of service, the MSDS shall me marked "Taken Out of Service" and the date the chemical was taken out of service placed on it. The marked and dated MSDS shall be

forwarded to the Hazard Communication Program Coordinator, currently the Human Resources Division, for retention as required by law. When an MSDS is obtained for a new chemical, it shall be marked "Taken Into Service" with the department and the date the chemical was taken into service. A copy of the marked and dated MSDS shall be forwarded to the Hazard Communication Program Coordinator, currently the Human Resources Division, for inclusion in the master MSDS binder.

**SECTION SEVENTY:** Section 10-106.6, first paragraph, is amended to read as follows: As appropriate for each material imported or used, a review of the Material Safety Data Sheets (MSDSs) will be completed to determine the known hazards (if any) of that material. The department or division proposing to bring in a new chemical is responsible for ensuring that the chemical screening procedure is followed. This includes the user facility sending copies of the MSDS to the Hazard Communication Program Coordinator, currently the Human Resources Division. It also includes:

**SECTION SEVENTY-ONE:** Section 10-106.7, first paragraph, is amended to read as follows: The Human Resources Division is the designated Hazard Communication Program Coordinator. Typical duties of the Hazard Communication Program Coordinator include, but are not limited to:

**SECTION SEVENTY-TWO:** Section 10-110.1, paragraph four, is amended to read as follows: City of Gardner Police Department personnel will be responsible for any injured employee until medical help is provided.

**SECTION SEVENTY-THREE:** These updated Personnel Policies and Procedures, 2010 Edition, supersede any rules, regulations or policies in conflict herewith, and.

**SECTION SEVENTY-FOUR:** This Resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City of Gardner.

**ADOPTED** by the Governing Body of the City of Gardner, Kansas, this 5<sup>th</sup> day of January, 2015.

CITY OF GARDNER, KANSAS

(SEAL)

/s/ Chris Morrow  
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz  
Jeanne Koontz, City Clerk