MERIT SYSTEM RULES & REGULATIONS MANUAL

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RULE 1 - DEFINITIONS

The following words and phrases when used in these Rules have the following meaning unless otherwise clearly indicated in the context:

(a) **"Appointing Authority"** means the official or group of officials authorized to make appointments to positions in City service.

(b) **"Base Rate"** means specific wage amount corresponding to an employee's assigned salary grade. For purposes of calculating wage rates for promotion, transfer and demotion, the base rate of pay does not include any other form of compensation.

(c) **"Certification"** means the referral of the names of qualified prospective employees by the Director of Human Resources on request of the appointing officer for selection to a position in the classified service.

(d) **"Child"** means a son or daughter who is a biological, adopted, or foster child as well as a stepchild or a legal ward.

(e) **"Class"** means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same tests of fitness, and the same range of compensation have been or may be applied to each position in the group.

(f) **"Class Title"** means the official title used for all personnel and payroll processes. Working titles may be used for all other purposes.

(g) **"Unclassified Service"** includes all those positions specifically defined by the City Charter as being in the unclassified service. An "unclassified position" is a position in the unclassified service.

(h) **"Classified Service"** shall comprise all positions not specifically included in the unclassified service by the City Charter. A "classified position" is a position in the classified service.

(i) **"Continuous Recruitment"** means a type of recruitment declared when either a position is difficult to fill due to the job market, when there is an anticipated need for recurring eligibles, when there are a number of vacancies available simultaneously, or when there is a specialty area required that is difficult to recruit for. The testing and/or interview process during continuous recruitment is ongoing. Names of eligible candidates may be added to and removed from the Eligibility List on an on-going basis in order to fill vacancies in a timely manner.

(j) **"Demotion"** means a change in the rank of an employee from a position in one class to a position in another class having a lower pay grade.

(k) **"Department"** means the Department of Human Resources.

(l) **"Eligible"** refers to a person who has made a passing score on any examination required under these Rules and who has been qualified for placement on a register.

(m) **"Emergency Employee"** means an employee appointed under the provisions of Section 8.4.

(n) **"Employee"** means a person appointed to a position in the City Service for which he/she is compensated on a full-time or part-time basis.

(o) **"Director"** means the Director of Human Resources of the City who is responsible for personnel administration of the City.

(p) **"Position"** means an office or employment (whether part-time, full-time, temporary or regular, occupied or vacant) including duties requiring the services of one person.

1) **"Contract Position"** means a position not authorized as a Full-Time Equivalent (FTE) in the City's budget, filled on a temporary basis, but not limited to a specific duration, involving a written agreement between the employee and the City. Written agreement includes scope of responsibilities, authorized wage and benefits, and contract term.

2) **"Regular Position"** means a position that is specifically funded as a full or partial Full-Time Equivalent (FTE) by the City's annual budget. Regular positions can be full-time or part-time.

3) **"Seasonal Position"** means a position filled for a specific season or cyclical work program such as mowing, swimming pool operations, softball, etc. Once the season or program has ended, the position ends. Seasonal positions can be full-time or part-time but are limited to a six-month period or season established in advance by the City.

4) **"Temporary Position"** means a position filled to assist with an established special project, internship, or address an increase in demand for services. Temporary positions are part-time and may not exceed twenty-eight (28) hours during any work week.

(q) **"Probation"** means the first six (6) months of service following appointment or promotion to any position in the classified service, plus any extension approved in accordance with these Rules and is the examination period during which the employee can be removed by the appointing authority without right to appeal or hearing if his work performance does not meet required standards.

(r) **"Promotion"** means a change in rank of an employee from a position of one class to a position of another class having a higher pay grade.

(s) **"Provisional Employee"** means any employee appointed under the provisions of Section 8.3.

(t) **"Re-employment List"** means the separate list of names of employees with status established and maintained under the provisions of Section 8.6.

(u) **"Register"** means any official list of eligible persons for a particular class of positions placed in order according to rank based on the examination records, which shall be used for selection for probationary appointment to a position in the classified service.

1) **"Exhausted Register"** means an Eligibility List which has become so depleted that there are less than three scores on the register.

2) **"Inadequate Register"** means an Eligibility List in which the number of scores required to certify names for multiple vacancies is less than the number of eligible scores the department is entitled to receive. For example, a department has two vacancies and is therefore entitled to four scores. The current Eligibility List only has three scores and is therefore valid but inadequate.

(v) **"Status"** means the acquisition of tenure with all rights and privileges appertaining thereunto after satisfactory completion of the probationary period by an employee in the classified service.

(w) **"Transfer"** means a movement of any employee from one position to another having the same pay grade whether in the same class or in another class. When the latter movement occurs, the requirements for the two different classes must be so related that the employee in one class would qualify for the other class as an eligible transfer without having to apply and compete for the position he/she is moving to. If the two classes are not so related, the employee must apply and compete for the class he/she is interested in transferring to even though the movement would be a lateral move and no change in salary grade.

(x) **"Seniority"** shall be based upon continuous service with the City of Springfield, Missouri, with no break in service.

Departmental seniority shall be determined by the date on which an employee is permanently transferred or assigned to a given department.

Job seniority shall be determined for any particular employee by the date on which the employee is appointed or assigned to a given position.

(y) **"Reduction in Pay or Compensation"** means a reduction in base pay resulting from Reducing an employee's base pay to a lower step within that employee's pay grade and shall not include benefits such as overtime pay, extra pay resulting from temporary assignments, out-of-title pay, extra pay for hazardous duties or adverse

weather conditions, such as officers operating motorcycles or officers working the canine patrol, working at the landfill or other similar situations.

RULE 2 - GENERAL PROVISIONS

2.1 Purpose

The purpose of these rules is to establish a system of personnel administration based on merit principles and scientific methods governing the recruitment, examination, appointment, promotion, transfer, layoff, removal, discipline, and welfare of City employees and other incidents of City employment. The City is committed to recruiting, retaining and promoting employees who are committed to implementation of the mission of the City which includes working with the community and reflecting the core values consisting of integrity and pride of service, cooperation and communication, continuous improvement of services, leadership and knowledge, and innovation.

2.2 Coverage and Amendment of Rules

(a) These Rules shall cover all employees in the classified service. Although employees in the unclassified service are not unconditionally subject to these Rules, they shall be considered regular employees and shall be covered by all Rules except where, by virtue of their content, they would logically be construed as concerning only the classified service. Notwithstanding, if a Rule is directly contrary to a specific provision of a current collective bargaining agreement ratified by the City, the contrary Rule, in this limited circumstance, does not control. In such limited case, the specific provision of the collective bargaining agreement will control.

(b) Any officer, employee or citizen who feels that these Rules are working or are apt to work an unnecessary hardship on him or that the efficiency of the City Service can be improved by amendment to these Rules may consult with the Director of Human Resources or the City Manager, and may be granted a hearing by the Personnel Board provided that a request to be heard on such matter must be filed in writing with the Director at least seven (7) days prior to the Board meeting.

2.3 Certification of Payrolls

No disbursing or auditing officer of the City shall make or approve or take any part in making or approving any payment for personal services to any person holding a position in the classified service unless the payroll or account of such pay bears the certification of the Director, or his authorized agent, that all appointments and other personnel transactions affecting the payroll and

regarding the persons named therein are correct and proper and have been made in accordance with these Rules and the Classification and Compensation Ordinance. The Director, may, for violation of these rules, the Classification and Compensation Ordinance or where a transaction affecting the payroll is incorrect or improper, withhold certification from an entire payroll or from any specific item or items thereon.

2.4 Prohibition of Political Influence and Discrimination

(a) No person in the classified service, or seeking admission thereto, shall be appointed, promoted, demoted, removed, advanced or retarded on any basis or for any reason other than qualification, merit, and fitness for the service or lack thereof. Any such action shall be taken wholly without favoritism or discrimination.

(b) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in City service or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.

(c) No appointive salaried officer or employee of the City shall solicit any monetary contribution to the campaign funds of any political organization. Nothing in this section shall be construed to prevent the exercise of the rights of appointive salaried officials or employees as citizens to express their opinions and to cast their votes. No appointive salaried officer or employee of the City shall continue in his position after becoming a candidate for nomination or election to any public office.

(d) No appointive salaried officer or employee of the City shall be a member of any national, state or local committee of a political party or an officer or member of a committee or a partisan political club or shall take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote.

2.5 Unlawful Acts Prohibited

(a) No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment held or made under these Rules or the City Charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or the rules and regulations made thereunder.

(b) No person seeking appointment to or promotion in the City service shall either directly or indirectly give, promise, render, or pay any money, service or other valuable thing to any person for, on account of, or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(c) No employee of the department, examiner or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under these Rules or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the City service.

2.6 Cooperation With Other Merit Systems

The Director may cooperate with the governmental agencies of other local jurisdictions whose merit systems operate in conformity with standards comparable to those contained in these Rules. The Director may announce and administer joint examinations and establish joint lists from which eligibles shall be certified for appointment in accordance with the provisions of these Rules.

RULE 3 - CLASSIFIED SERVICE AND EXCEPTIONS THEREFROM

The classified service shall comprise all positions not specifically included by the City Charter in the unclassified service. The unclassified service shall include the City Manager, administrative assistants, all directors of departments, members of appointive commissions and boards, Municipal Court Judge, City Attorneys and assistants, City Clerk, Executive Assistant to the City Manager; *financial, research, legal and other technical personnel employed on special occasions and those who may be employed in an advisory capacity.

* Probationary employee

RULE 4 - PERSONNEL BOARD

4.1 Constitution

The Personnel Board, as appointed and organized in accordance with the provisions of Section 6.3 of the City Charter, shall not be bound by any rules of order, evidence or procedure in its meeting, hearings or investigations, except such as it may itself establish.

4.2 Meetings

The Personnel Board shall determine the frequency, day, and place of its meetings in order to best carry out the powers and duties entrusted to it by the City Charter, provided that the date and place of meetings shall be determined and announced in such a way that all interested parties shall be given adequate notice and opportunity to appear at the meeting.

4.3 Powers and Duties

The Personnel Board shall have the powers and duties assigned to it by Section 6.4 and Section 6.10 of the City Charter.

4.4 Quorum

Five (5) members of the Board shall constitute a quorum for transaction of business, but any number may adjourn to a later date in absence of a quorum.

4.5 Minutes

The Director or his authorized representative shall attend all meetings of the Board, act as its secretary, and record its official actions in the minutes. The time and place of each meeting of the Board, names of the Board members present, all official acts of the Board, the votes of each Board member except when the acts are unanimous, and when requested, a Board member's dissent with his reasons shall be recorded in the minutes. The secretary shall cause the minutes to be transcribed and presented for approval or amendment at the next regular meeting. The minutes covering formal action of the Board or a true copy thereof, certified by a majority of the Board, shall be open to public inspection.

RULE 5 - APPLICATIONS AND EXAMINATIONS

5.1 Notices of Examination

Examinations for original entrance to the classified service shall be conducted on an open-competitive basis. The Director shall give public notice of all entrance examinations at least seven (7) calendar days in advance of the closing date for receiving applications and shall make every reasonable effort to attract qualified persons to compete in the examination. For those classes in which there is expected to be a considerable and recurring need of eligibles, the Director shall establish a recruitment program which shall be both positive and continuous. Under such program, applications may be accepted at any time and examinations held whenever and wherever the Director deems it desirable for the service. Eligibles will be listed in order of rank irrespective of dates on which the examination was taken. Notice of examinations shall be

posted and shall be distributed through such media as the Director may determine best suited to the positions in question. The public notice shall specify the title and salary range of the class of positions; typical duties to be performed; the minimum qualifications required; the final date on which applications will be received, except in cases where the Director approves a position be posted "Open Until Filled" which will still be posted a minimum of seven (7) calendar days but will not include a specific closing date; and all other pertinent information and requirements.

5.2 Minimum Qualifications for Filing

Open-competitive examinations shall be open to all applicants who meet the standard of requirements fixed by the Director with regard to education, experience, age, physical condition, and such other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency the duties of the position. Any applicant taking an entrance written test for any position with the City who fails to make a passing grade may, with approval of the Director of Human Resources, retake the test at the next regularly scheduled time. Should the applicant fail to make a passing grade on the second attempt, he will not be allowed to retake the test for such position until one year from the date of the second test. Failure to make a qualifying grade on a written test for a given position on the third attempt or failure to make a qualifying score before an oral board on the third attempt for the position is sufficient reason for permanent denial of any further consideration of the applicant. This Rule shall only apply to written and oral boards as outlined above and does not apply to other testing or evaluation methods such as skills testing, physical agility testing, and assessment centers.

5.3 Filing Applications

(a) All applications shall be made on forms approved by the Director of Human Resources, or, if permitted by the Director, by resume. The Director shall provide the Personnel Board with a copy of the City's current application form annually, and shall advise the Board of substantive changes to the form. Said applications or resumes shall be filed with the Director on or prior to the date and time specified in the announcement, or postmarked on or before the closing date. Applications and resumes submitted for examinations announced "Open Until Filled" will be reviewed as needed to complete the employment process. For those classes for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice. Applications may require information concerning personal characteristics, education, experience, references, and other pertinent information. When the nature of the work is such that age limits are necessary, the Director after consultation with the appointing authority, may so state in the examination announcement. All applications shall be signed and the truth of the statements contained therein certified by such

signatures. Applications must meet the minimum qualifications specified in announcements as to education and experience, but in no case shall admittance to the examination constitute assurance of a passing grade in the evaluation of education and experience if the same is a part of the examination.

(b) The Director may require such proof of age, education, licensure, experience and other qualifications as may be appropriate.

5.4 Disqualification of Applicants

The Director may disqualify and/or refuse to examine an applicant seeking employment with the City if it is found that the applicant does not meet the minimum requirements for the class of positions in which the applicant applied. The applicant may also be disqualified after examination or refused certification if:

(a) It is found that the applicant does not meet or falsified any one of the preliminary requirements or has made a false statement of material fact established for the examination for the class of positions.

(b) Applicant is unable to perform the essential functions of the job with or without reasonable accommodations.

(c) Applicant submits an application for employment while visibly under the influence of illegal controlled substances and/or alcohol; or applicant tests positive for a post-offer pre-employment drug test for illegal controlled substances.

(d) Applicant has used or attempted to use political pressure or bribery to secure an advantage in the examination.

(e) Applicant had directly or indirectly obtained information regarding the examination to which, as an applicant, he/she was not entitled.

(f) Applicant has failed to submit his/her application correctly or within the prescribed time limits.

(g) Applicant has taken part in the compilation, administration or correction of the examination for which he/she is an applicant.

(h) Applicant has been convicted of a felony or misdemeanor involving disgraceful conduct.

(i) Applicant had otherwise willfully violated the provisions of these Rules.

(j) Applicant has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate unsuitability for employment.

(k) Or for such other reason considered by the Director to indicate employment of the individual would be detrimental to the best interests of the City. Any applicant who does not meet minimum requirements as to training and experience but who will meet these requirements as a result of the completion of further educational work or experience which the applicant has scheduled for the six (6) months immediately following the closing date for receipt of applications, may be allowed to take the examination.

An applicant successfully completing the examination under this provision shall have his or her name entered on the register in the same manner as others; however, no such applicant may be appointed to a position in the classified service of the City until all preliminary requirements for the position have been met.

5.5 Character of Examinations

Examinations shall be practical and of a generally accepted nature, constructed to reveal the capacity of the applicant for the particular class of positions for which the applicant is competing, and the applicant's background and related knowledge shall be rated impartially. The Director may use an evaluation of education and experience and/or a test of capacity, knowledge, skills, abilities, and personal characteristics, which in the Director's judgment best serves the need to discover the relative fitness of the applicant. Examination procedures will be established to assure that selection instruments will be reliable, valid, and objective. They will provide for the appropriate ranking of applicants seeking employment with the City.

5.6 Conduct of Examinations

Examinations shall be conducted in places determined by the Director to be most convenient for applicants and practicable for administration.

(a) The Director may designate monitors to take charge of examinations under instructions prescribed by him, provide for the compensation of such monitors, and make arrangements for the use of public buildings in which to conduct the examinations.

(b) When practicable, the identity of persons taking competitive assembled tests shall be concealed from the examiners by use of identification numbers.

5.7 Rating Examinations

In any examination, the minimum rating or standing through which eligibility on a register may be earned shall be determined by the Director. Such final rating shall be based upon a weighted average of the various parts of the total examination. All applicants for the same class of positions shall be accorded uniform and equal treatment to all phases of the rating procedure. A minimum passing score may be set for any part of the examination. Candidates may be required to attain at least a minimum score on each part of the examination in order to receive a passing grade or to be rated on the remaining parts of the examination.

5.8 Rating Education and Experience

When the rating of education and experience forms a part or all of the examination, the Director shall determine a procedure for the evaluation of the education and experience qualifications of the applicants. The formula used in appraisal shall give due regard to recency and quality, as well as quantity, of experience and pertinency and quality of the education.

Prior to certification from the register, the Director may investigate the candidate's educational record and work history. If the results of these investigations bring out information affecting the rating of education and experience, the Director may re-rate the candidate accordingly or make the necessary revision of the rating and so notify the candidate.

5.9 Oral Examinations

When an oral examination forms a part or all of the examination for a class of position, the Director shall appoint an oral examination board consisting of two or more members. The Director may appoint qualified City employees or other qualified persons not employed by the City to serve as members of such boards. All candidates for the same class of positions who qualify for the oral examination shall be rated by the same oral examination board. When deemed appropriate by the Director due to the circumstances of the particular hiring process, including but not limited to when large numbers of persons are to be interviewed, the Director may authorize the substitution of one or more members of the oral examination board with

qualified alternate members. Each substitution of such an alternate member shall be approved by the Director, or his designee. A member of an oral examination board shall disclose each instance in which he knows the applicant personally and shall refrain from rating such applicant when it is determined by the Director of Human Resources that he has a relationship with an applicant that would present a conflict of interest in evaluating that applicant. A supervisor or superior/subordinate employment relationship between the board member and the applicant alone shall not constitute such a conflict of interest. Examples of relationships that may present a conflict of interest would include spousal relationships, and current or former relatives, as defined in Merit Rule 11.4, and current or past close social or personal relationships between the member and the applicant.

5.10 Veterans Preference

Applicants who present evidence showing honorable service in the armed forces of the United States or placement on the reserve list who have met the minimum requirements imposed for each test and who have received at least the passing grade required for eligibility, shall have added to their earned gradings an additional five (5) points on the basis of 100. All such persons except Police and Fire Department applicants, who are suffering service connected disability of at least 10% compensable disability rating, based on the findings of the United States Veterans Administration, shall have added to their earned gradings 10 points on the basis of 100. Proof of eligibility for the preference provided shall be furnished the Director of Human Resources through submission by the person claiming preference of the discharge granted to the veteran or through whom preference is claimed or a properly certified copy of such discharge, and in the case of a disabled veteran, additionally, a recent certificate from the Veterans Administration of the United States, showing service connected disability to exist. Veterans preference shall apply only to entrance examinations. Retention in the service in the case of reduction in force or abolition of positions for lack of work or funds shall be based solely on ability to perform properly the duties of the position and on relative length of efficient service. No credit shall be allowed in the case of any kind of discharge other than honorable or general under honorable conditions.

5.11 Notice of Examination Results

Each internal applicant, or current City employee, shall be notified of his examination results as soon as practical after the rating of the examination has been completed or the register established. Each external applicant shall be notified of his examination results as soon as practical after the register is established or the position has been filled. All eligibles shall be entitled to information concerning their relative position on the register upon request.

5.12 Adjustment of Errors

A manifest error in the rating of an entrance examination, if called to the attention of the Director within five (5) business days after receipt by the applicant of the notice of examination results, shall be corrected by the Director provided; however, that such correction shall not invalidate any certification and appointment previously made.

A manifest error in the rating of a promotional examination affecting the ranking of candidates on a promotional list if called to the attention of the Director within five (5) business days after establishment of such list may, upon recommendation of the Department Head, invalidate any previous action taken on the promotional list resulting in the establishment of a new list.

5.13 Special Examinations

Except in the case of a manifest error in the examining of an applicant, no applicant shall be given a special examination unless the Director finds it to be in the best interest of the service or that the applicant's failure to take or complete an examination was due to circumstances entirely beyond his control. No claim for a special examination shall be allowed unless it is filed in writing with the Director within fifteen (15) days after the date of the original examination. The Director may at any time initiate a special examination when deemed to be in the best interest of the service. Any special examination shall be constructed on a pattern similar to, and as extensive as, the original examination. Any such special examination shall not invalidate any certification or appointment previously made.

5.14 Examination Records

The Director shall be responsible for the maintenance of all records pertinent to examination programs.

The Director of Human Resources may destroy the application and examination material of applicants who fail or fail to appear for the examination or who are permanently rejected. The application and examining material of all other applicants shall be kept in accordance with City records retention requirements.

RULE 6 - REGISTERS

6.1 Responsibility for Maintenance of Registers

It shall be the duty of the appointing authorities to notify the Director as far in advance as possible of vacancies which may occur in the departments. The Director shall be responsible for

the establishment and maintenance of appropriate registers for all positions and for the determination of the adequacy of existing registers.

6.2 Open-Competitive Registers

City employees applying and competing under an open-competitive posting will be subject to applicable provisions outlined in 10.1. After each open-competitive examination, the Director shall prepare a register of persons with passing grades. All fractional scores shall be rounded off to the nearest whole number. The names of individuals shall be placed on the register in the order of their final ratings, starting with the highest final rating.

6.3 Use of Related Registers

If a vacancy exists in a class of positions for which there is no appropriate register, the Director may prepare a register for the class from one or more existing related registers. The Director shall select registers from classes of positions for which the minimum qualifications are comparable to or higher than those required for the class in which the vacancy exists. The Director may, if appropriate, re-rate training and experience on the basis of the minimum qualifications required for the class of positions in which the vacancy exists.

6.4 Duration of Registers

(a) The normal life of a register shall be for six (6) months from the date of the establishment of such list. The life of a register for an "Open Until Filled" job posting begins either upon certification of eligible candidates to the hiring department in accordance with 7.2.1, or after sufficient recruitment efforts have been made resulting in the establishment of a valid register with the appropriate number of candidates and scores as outlined in 7.2. A register may, upon the written request of the department head and approval of the Director of Human Resources or designee, be extended for not more than one year beyond the original date of its expiration. The maximum life of an Open Until Filled register is 18 months from the original date of establishment.

(b) The life of registers for classes of positions for which continuous recruitment and examination is conducted shall be indefinite but may be terminated by the Director. The names of eligibles shall be added to and removed from such registers on a continuous basis. The name of an eligible shall not remain on a register for a class of positions in the continuous program for longer than 18 months from the date of its entry on the register. Whenever the name of an eligible is removed from a register, he shall be notified. An eligible whose name has been removed from a register under this provision shall retake the examination to maintain his

eligibility. Once a continuous recruitment program has been terminated, the life of the register will be 18 months from the date of placement of the last eligible candidate(s) on the register.

(c) When a register becomes so depleted that the preparation of usable certificates for imminent vacancies in the class of positions is impracticable, the register will be considered exhausted. The register which has become exhausted shall be considered expired upon the administration of a superseding examination and the establishment of a register on the basis of that examination. When a register becomes exhausted, the Director shall send to each eligible remaining on such register a notice of the announcement of a superseding examination. Such eligibles shall be required to retake the examination for placement in the new register. Provided that, an eligible candidate shall be required to retain his/her score when all of the following conditions are met: (1) the Eligibility List is less than six (6) months old, (2) the candidate is still interested in the position, (3) the exact same screening criteria is utilized, and (4) the testing and or interview process and panel remains exactly the same.

6.5 Replacement of Registers

If the Director determines that a register, although not exhausted is inadequate for the filling of anticipated vacancies, he may announce an open-competitive examination for the purpose of replacing the inadequate register. At the time of the announcement of such examination, all eligibles remaining on the register shall be notified of the action and shall be advised that they may take the new examination. Failure to take the new examination will result in the formerly eligible candidate no longer being eligible for consideration. Except an eligible candidate shall be required to retain his/her score when all of the following conditions are met: (1) the Eligibility List is less than six (6) months old, (2) the candidate is still interested in the position, (3) the exact same screening criteria is utilized, and (4) the testing and or interview process and panel remains exactly the same.

6.6 Removal of Names from the Register

(a) <u>Reasons for Removal</u> - The Director may remove the name of an eligible from a register:

(1) For any of the causes stipulated in Rule 5.4;

(2) on evidence that the eligible cannot be located by postal authorities or if the eligible has failed to respond within seven (7) calendar days to a letter of inquiry regarding availability for appointment;

(3) on receipt of a statement from the eligible stating that he no longer desires consideration for a position in that class;

(4) if two (2) offers of probationary appointment to the class of positions for which the register was established have been declined by the eligible;

(5) if an eligible has received probationary appointment to any position of another class.

(b) <u>Notifications</u> - Whenever an eligible's name is removed from a register for reasons cited in 6.6 (a) of this Rule, the Director shall notify the eligible of this action and inform him that his name may be restored to the register upon presentation of reasons satisfactory to the Director. Notification shall not be made when an eligible has requested that his name be removed from a register, when there has been no reply to a letter of inquiry, or when postal authorities have been unable to locate such eligibles.

6.7 Re-Employment List

An employee with status who has been laid off because of lack of funds or work, curtailment of program, abolishment of organizational unit or material change in duties or organization, and through no fault of his own, may request in writing that his name be placed on a re-employment list for the class of positions from which he was laid off. The name of an employee with status, who has been dismissed for reasons found to be insufficient by the Personnel Board after hearing the appeal, may with approval of the City Manager, be placed on the re-employment list. The order in which such names are arranged on each list shall be determined by the Director, who shall give consideration to qualification, performance appraisal, conduct, and seniority in service. Eligibility to remain on the re-employment list shall expire one (1) year from the effective date of the layoff or separation.

6.8 Promotion Register

After each competitive promotional examination held in accordance with Rule 10, the Director shall prepare a register of persons with passing grades. All fractional scores shall be rounded off to the nearest whole number. The names of individuals shall be placed on the register in the order of their final rating, starting with the highest final rating. All ties in final score shall be placed on the register in order of city seniority as determined by the Director of Human Resources.

RULE 7 - CERTIFICATION AND SELECTION OF ELIGIBLES

7.1 Request for Certification of Eligible

To fill a vacancy by selection of an eligible from a register established on the basis of an open-competitive examination, the appointing authority shall submit a request for certification to the Director upon forms prescribed by him. This requisition may be for one or more persons in the same class and shall indicate the number and identity of positions to be filled and the title of the class to which they have been allocated and specify all other pertinent information which the Director deems necessary. The appointing authority shall make such request as far in advance as possible of the date the employee is to begin work.

7.2 Certification of Eligibles

Upon receipt of a requisition, the Director shall certify and submit in writing to the appointing authority the names of available persons eligible for the appointment. If one position is involved, he shall certify and submit from the register for that class of positions the names of all persons whose scores are included in the highest three (3) whole number scores earned on the examination. If more than one vacancy occurs in the same class of position under the same appointing authority, the Director shall certify the names listed under one additional whole number score for each additional vacancy, the highest whole score first. If the register established as a result of the open-competitive examination for a specific class of positions is exhausted, the Director may certify and submit names in accordance with the above procedure from a related register. The life of a certificate during which action may be taken will typically be thirty (30) calendar days from the date of issuance, with discretion afforded to the Human Resources Director when issues such as extensive background checks may require a longer period be allowed. Any appointment made from such certificate during that time shall not be subject to any change in the condition of the register taking place during this period.

7.2.1 Certification When Register Exhausted

Notwithstanding any other provision of the Merit System Rules and Regulations to the contrary, whenever the appointing authority requests that a position be filled and certifies that there is an immediate need to fill the position and when the Director concurs in the immediate need to fill the position and finds that he cannot meet the need within a reasonable time, then the Director may certify to the appointing authority the names of all persons eligible for the appointment.

7.3 Availability of Eligibles

(a) An eligible may be considered not available for certification by the Director if he fails to reply to a written inquiry to his last known address or if such reply be made later than seven (7) calendar days from the date of such inquiry.

(b) An eligible may be considered as not available for certification by the Director if he has previously declined a position of the same class in the organizational unit and has not indicated that he wishes to be considered for a position of that class in that unit.

(c) An eligible may at any time during the life of a register have himself listed as available or not available for appointment to a position of that class in any organizational unit or units by filing notice of such effect with the Director.

7.4 Selective Certification of Eligibles

(a) The appointing authority may specify in writing requirements of particular experience, education or skill when he deems such requirements necessary for a position. If, after investigation of the duties and responsibilities of the position, the Director finds the particular experience, education or skill so specified is essential for successful performance he may certify in order of rank on the register the names of those persons who possess those qualifications specified. If, in certifying the names of such eligibles, the Director finds there are fewer than three (3) such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available for the appointment in the order of their respective rank on the register.

(b) The appointing authority may specify in writing exceptional requirements of particular physical characteristics when he deems such requirements necessary for a position. If, after investigation of the duties and responsibilities of the position, the Director finds the exceptional requirement of physical characteristics essential for successful performance, he may certify in order of rank on the register the names of those persons who possess the qualifications specified. If, in certifying the names of such eligibles, the Director finds there are fewer than three (3) such eligibles, he shall certify the names of other eligibles available for the appointment in the order of their respective rank on the register.

7.5 Selection of New Employees

(a) In making appointments from the open-competitive register, the appointing authority shall select for each position a person whose score is included in the three highest whole scores, exclusive of the names of those persons:

(1) who decline appointment or request that they not be considered for appointment;

(2) who fail to reply within a period of seven (7) calendar days to the written request of the appointing authority for an interview or who do not arrange to report for such an interview within a reasonable time or who fail to appear for an interview which they have arranged with the appointing authority;

(3) who accept an appointment and fail to present themselves for duty at the time and place agreed to without giving the appointing authority satisfactory reasons for the delay;

(4) to whom the appointing authority offers an objection in writing based on Rule 5.4, which objective is sustained by the Director.

(b) The final selection by the appointing authority shall be reported to the Director. At the same time, the appointing authority shall indicate the disposition of the other names listed on the certificate and shall forward to the Director, for permanent record, evidence of the non-availability of any eligibles passed over for that reason.

(c) If, in the exercise of his choice, the appointing authority passes over the name of an eligible on a register in connection with two separate appointments for the same class of positions which he had made from the register, written request by the appointing authority may be made of the Director that the name of such eligible be omitted from any subsequent certifications from the same register to the same appointing authority for the same class of positions. If the Director sustains such request, the name of such eligible thereafter shall not be certified by him from that register for other vacancies in the position to the same appointing authority.

7.6 Certification of Names from the Re-Employment List

Whenever a request is received for certification from the open-competitive register, the Director shall, if a re-employment list exists for that position, certify only the names of the three (3) top

persons on such list. The appointing authority may make his selection from any of the names certified from the re-employment list.

7.7 Certification for Temporary Appointments

Whenever the services to be rendered by an appointee are for a temporary period not to exceed six (6) months, the Director shall certify only the names of those eligibles who have indicated their availability for temporary service.

RULE 8 - TYPES OF APPOINTMENT

8.1 Filling of Vacancies

All positions in the classified service which are not filled by transfer, promotion or demotion shall be filled by probationary appointment, re-employment, reinstatement, temporary appointment, emergency appointment or provisional appointment.

8.2 Probationary Appointment

The appointment to a regular position in the classified service through certification in accordance with Rule 7 from an open-competitive register shall constitute probationary appointment.

8.3 Provisional Appointment

When an appointing authority finds it essential to fill a position and the Director of Human Resources is unable to certify eligibles for such position because there is no existing appropriate register or because there is an insufficient number of persons on appropriate registers who are willing to accept appointment, the Director of Human Resources may authorize the appointing authority to fill the position by means of provisional appointment. No provisional appointment shall be made without the prior approval of the Director of Human Resources, and no payment shall be made without prior approval of the Director of Human Resources, and no payment shall be made for services rendered by the appointee prior to such approval. A provisional appointment shall expire when an appropriate register has been prepared but in no case shall exceed six (6) months from the date of such appointment.

8.4 Emergency Appointment

Appointment of an employee may be made without regard to the other requirements of these Rules to a position by reason of a governmental emergency and it shall constitute an emergency appointment. An emergency appointment may not exceed ninety (90) working days in duration and is nonrenewable, and shall be approved by the Director.

8.5 Temporary Appointment

Appointment for short-term or seasonal employment may be made as is necessary to carry on the City's business. Appointments of this type shall normally be made from established employment lists. If no list exists or if certification from lists is impracticable because of non-availability of eligibles for temporary work, the Director of Human Resources may authorize the temporary appointment of any qualified individuals to be designated by the appointing authority. The length of a temporary appointment shall be no more than six (6) months in any one year. In certain cases, such as special work projects, however, the length of a temporary appointment may, with the approval of the Director of Human Resources, be governed by the duration of the project. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the regular employment list. For a temporary employee not certified from an eligible list to be considered for a regular position he must first pass the entrance examination and be placed on the appropriate list. In the event a temporary employee is appointed on a regular basis, such appointment may be retroactive to the date of his last appointment on a temporary basis providing there has been no break in service. Pay increases, vacation, and sick leave accumulation may be based on the date of this last appointment. Credit for temporary service shall not exceed one year nor shall any credit be given for temporary service prior to the last appointment.

Temporary promotional appointments of a regular full-time or regular part-time employee shall be utilized for periods not to exceed twelve (12) months unless approved by the City Manager and are authorized when promotional vacancies, leave of absence, including military leave, illness, etc., occur or in cases where no valid promotional eligibility list exists. In all such cases of temporary promotional appointment, said employee shall receive a ten percent (10%) increase in pay unless it exceeds or is less than the authorized pay range for the position, unless otherwise approved by the City Manager.

8.6 Re-Employment

The appointment of a person from a re-employment list provided under Section 6.7 of these Rules shall constitute re-employment. A person so re-employed shall be subject to the successful completion of a probationary period in accordance with Rule 9.

8.7 Reinstatement

An employee with status who has resigned or been laid off through no fault of his own may be reinstated to a position of the same class within one (1) year from the effective date of his separation. Such reinstatement shall be made only with the prior approval of the Director and

shall be subject to the successful completion of a probationary period in accordance with Rule 9. An employee, who terminates employment and is reinstated in the same calendar month and year, shall have their probationary period waived upon reinstatement. The Director's approval of a reinstatement shall include a finding that the candidate meeting the current qualifications for the class of positions.

An employee with status who has been found by the Personnel Board after hearing the employee's appeal, to have been improperly dismissed for political, religious or ethnic reasons shall, with approval of the City Manager, be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his separation.

8.8 Reinstatement - Disability Pensioners

Notwithstanding any other provision of the Springfield City Code and provisions of the Police and Fire Departments' pension plan to the contrary, an employee who had status at the time the employee was disabled and who is receiving a disability pension may be reinstated to the position held by the employee at the time of the employee's disability, provided the following conditions are met:

(a) That the disabled pensioner has provided medical proof in accordance with Section 70.680, RSMo, if the employee is under provisions of the Local Government Employees' Retirement System or medical proof under Section 29-27 of the Springfield City Code if the employee is a member of the Police and Fire Departments' pension system, that said employee is physically and mentally able and capable of resuming the employee's duty as an employee in the position held by the employee at the time of the employee's disability retirement.

(b) That the same job position exists as part of the City service, which position has funds appropriated therefor.

In the event the above conditions are met, the Director shall place the pensioner in an existing vacancy in the same position and at a pay level comparable to that previously paid to the pensioner. In the event there no longer exists in the City service the position held by the employee at the time of his disability retirement, the City shall offer the pensioner the closest comparable position in the City service for which he is qualified.

In the event there is no job vacancy for the position and in the event the pensioner has greater longevity than an employee who is currently in the position, the Director of Human Resources shall cause the position to be filled by the employee who has the greatest longevity in such position with the City service. Employees who are laid off as a result of filling said position shall be entitled to those provisions set forth in Rule 12.2.

The director of the department may, in his discretion, require that the employee take training programs required of other employees and that such employee successfully complete such training programs.

RULE 9 - PROBATIONARY PERIOD

9.1 Nature, Duration, and Purpose

The first six (6) months of service in a position to which an employee has been probationally appointed, promoted, re-employed or reinstated under the provisions of these Rules shall constitute a probationary period; provided that, with the approval of the Director of Human Resources, the Department Head may have the period extended for no more than an additional six (6) months or any part thereof. Provisional and temporary service in the position immediately prior to probationary appointment to and without break in service in the position shall be credited toward the probationary period. The probationary period shall be an essential part of the examination process and shall be utilized for the most effective adjustment of new employees and for the elimination of any employee whose performance does not meet the required standard of performance. Notwithstanding any other provision of the City Code to the contrary, the probationary period for any employee in the position of Police Officer shall last, commencing with the 49th Police Academy, a minimum of one year from the date of the start of the Police Officer's assigned academy but no longer than 18 months from the date of appointment as a Police Officer for those officers hired prior to the start of an academy notwithstanding any interim promotions or pay increases. The probationary period for the 37th and 38th Police Academy shall be the period applicable prior to the enactment of this one-year provision.

9.2 Conditions Preliminary to Regular Status

It shall be the responsibility of the appointing authority to provide the Director of Human Resources with a statement in writing to the effect that the services of each employee appointed for a probationary period have or have not been performed satisfactorily during such period and is or is not recommended to be retained in the service.

9.3 Separation During the Probationary Period

(a) If at any time during the probationary period, the appointing authority determines that the services of the employee have been unsatisfactory, an employee may be separated from his position without the right of appeal or hearing. The appointing authority shall notify the employee in writing the reasons for the separation. After the probationer has been separated, his name may be replaced by the Director on the register for the class of positions from which removed if he determines such action to be in the best interest of the service, but he shall not again be certified from that register to the organizational unit from which the employee was separated.

(b) When an employee has been promoted but fails to successfully complete the probationary period, he shall upon recommendation of his Department Head revert to a position of his former class. If no position vacancy exists in the work unit, the employee may be transferred to another work unit or the rules pertaining to layoffs shall apply.

RULE 10 - PROMOTION, TRANSFER, AND DEMOTION

10.1 Promotions

(a) Positions in the classified service shall be filled by promotion whenever practicable and in the best interest of the service. Promotions shall be on the basis of merit and without regard to favoritism and shall be made in accordance with the procedures established in these rules. Merit, within the interpretation of these rules, shall mean ability, efficiency, qualification, and seniority.

(b) A promotion is the filling of a position by the advancement of an employee from a position having a lower pay grade. Promotions may be made on either a competitive or non-competitive basis at the discretion of the Director, after consultation with the appointing authority. An employee who is promoted shall be required to serve a probationary period as provided in Rule 9.1. Serving a probationary period upon promotion shall not affect the employee's status in the lower class of positions.

(c) In filling a position by promotion on a competitive basis, the Director shall administer a competitive examination which shall be open to all regular City employees who meet the necessary requirements and who are serving in an appropriate class of positions as determined by the Director of Human Resources. A promotional examination may include employees in specific classes in all departments or may be limited to a single department or a subdivision as determined by the Director of Human Resources. No employee shall be deemed eligible for

promotional examination whose last service rating was not satisfactory. The Director shall prepare a register as provided in Section 6.8 of Rule 6 and shall supply the appointing authority with a certificate of eligibles. Selection shall be made by the appointing authority in accordance with Rule 7 and shall be reported to the Director. Where the ability, efficiency, and qualifications of employees being considered by promotion are determined as equal, seniority shall prevail for purposes of promotion. When an open-competitive or promotional only announcement results in only one qualified regular employee who is eligible for consideration, the Appointing Authority may submit a request to the Director that the employee be promoted without any further examination. The Director shall certify that the candidate meets the minimum qualifications and is eligible for appointment.

(d) If the City Manager, or his designee, authorizes an appointing authority to fill a position by promotion of an employee on a non-competitive basis, the appointing authority shall submit the name of the employee proposed for promotion to the Director. If the Director finds the named employee is qualified for the proposed promotion, he shall so notify the appointing authority. The promotion shall then be reported to the Director.

(e) In the event an eligible employee receives valid leave orders for military service which causes the employee to be unavailable during all or part of a promotional testing process, timely notification must be provided in writing to the Director of Human Resources prior to the commencement of testing. Timely notification requires notice to be submitted within seven (7) days of the employee receiving the orders or the announcement of the promotional testing dates. When timely notice is provided, the Director will give due consideration to the employee in order to provide the same or equal promotional opportunities as provided to other employees not on military leave. The Director may, with discretion, consider requests that fall outside these defined parameters of timely notification for employees on military leave.

Furthermore, in cases where the promotional examination, or a portion of the promotional examination, is limited to a written examination or an oral examination that does not include outside assessors or evaluators, the employee may be allowed the same or similar examination. The employee's passing score, if applicable, may be added to the existing register as long as the register has not expired. In cases where an assessment center, specialized skills testing, or outside assessors/evaluators are utilized, the employee will be allowed to test during the next available promotional testing process. The employee's final score will determine the employee's rank on the register as if the employee had participated during the immediately preceding promotional testing process. If the Director determines the employee's final score would have

resulted in the employee being promoted if not for the military leave, the employee will be promoted and the employee's promotion date and base pay will be adjusted to the promotion date determined as a result of the immediately preceding promotional testing process.

10.2 Transfer

(a) An appointing authority may transfer any employee from a position of a class to another position of the same class within his organizational unit. The appointing authority shall report such action to the Director.

Under provisions (b) and (c), city employees desiring to transfer must file a Transfer Request Form with the Human Resources Department. In addition, the hiring supervisor or authorized agent of the department as designated by the appointing authority, shall interview all city employees certified by the Human Resources Department as eligible for a transfer for the vacancy requisitioned. Such interviews are not required in cases where the supervisor has interviewed the employee within the last six (6) months, or the employee has previously worked for the supervisor, or other reasons approved by the Director.

(b) Two appointing authorities may transfer an employee from a position of a class to another position in the same class between their respective organizational units upon mutual agreement and with report to the Director.

(c) The transfer of an employee from a position of a class to a position of another related class of the same pay grade may be made by an appointing authority or appointing authorities if two units are involved, subject to the prior approval of the Director and only if the classes involved are so related that the experience in and entrance qualification requirements of one class are such as to qualify the employee in a reasonable manner for the other class.

10.3 Demotion

(a) The movement of an employee to a position in a lower class is a demotion. For this purpose a lower class means a class having a pay grade lower than the pay grade of the position in which the individual is employed.

(b) An employee may be demoted for lack of work in his class or for cause, and in case of the latter only after the employee has been presented with the reasons for such demotion in writing, and has been allowed at least fifteen (15) calendar days to reply thereto in writing or upon request, to appear personally and reply to the appointing authority. A copy of the statement of

reasons and the reply shall be filed with the Director. An employee with status may appeal his demotion for cause in accordance with Rule 13.

(c) If, for personal or other reasons, an employee requests in writing that he be assigned to a position of a lower class, the appointing authority may make such a demotion. In such cases, the demotion will be deemed to have been made on a voluntary basis and from which there shall be no appeal, and a report shall be made in writing to the Director.

RULE 11 - EMPLOYEE CONDUCT AND RELATIONS

11.1 (Repealed by G.O. 6090)

11.2 Change of Address

Employees are required to notify the Human Resources Department promptly of any change of address or telephone number so that employees may be contacted at all times by either telephone or mail.

11.3 (Repealed by G.O. 3191)

11.4 Relatives

Without specific approval by the City Manager, no person shall be employed, promoted, or transferred to a department or agency of the City or division or section thereof, when as a result he or she would be working permanently with, supervising or receiving supervision from a member of his/her immediate family.

Immediate family in this connection shall be considered to mean an employee's spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law.

In addition, no more than three persons, including the employee, who are members of the same immediate family may be presently employed by the City at the same time. Violation of this section shall result in immediate termination of that employee with the least seniority. This provision shall not apply to any violation which may exist at the adoption of this provision nor shall the provision apply when the number of current employees in an immediate family increases as the result of marriage.

11.5 Outside Employment

No employee of the City may perform any outside work which is, or can be interpreted to be, inconsistent with his City work or detrimental to the best interests of the City as determined by the Director of Human Resources. Employees desiring outside employment should first seek approval of their Department Head (or their designee) before engaging in such activity. Employees are required to submit a "request for approval" on such form as the Director may require.

Employees of the City may not engage in outside business activities while on duty nor may City property be used for anything but City functions.

11.5.1 Conflicts of Interest - Outside Work

No employee or salaried officer of the City shall have a financial interest, direct or indirect, in any contract with the financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services except on behalf of the City as an employee or as a salaried officer. No employee or salaried officer of the City shall be employed by a contractor who has a contract with the City if the work performed by the contractor involves the issuance of tax bills or special assessments. No employee or salaried officer of the City shall be the owner of a business or hold a corporate office with a corporation that has a contract with the City. The enumeration of possible violations is not intended to limit Section 19.16 of the Springfield City Charter. Employees and salaried officers are encouraged to obtain written opinions prior to engaging in any act which could be questioned as a violation of this Section or Section 19.16 of the Charter.

11.5.2 Extra-Duty Employment

Employees performing work in their City-employment capacities while not on duty for the City shall only do so in a manner subject to and consistent with these Merit Rules, with the prior permission of the employee's Department Head, and pursuant to rules and regulations established by the employee's department and approved by the City Manager for that purpose. Such employment shall be at the sole discretion of the Department head, and may be limited or discontinued in whole or part at any time for reasons deemed by the Department Head to be in the best interests of the City. Examples of such extra-duty employment within this rule include, but are not limited to, police officers performing law enforcement work while employed by private businesses upon their premises. Employees so employed may, with approval of their Department Head, use City uniforms and equipment in connection with such employment.

11.6 Attendance

An employee shall be in attendance at regular work in accordance with these Rules and general departmental regulations. All departments shall keep daily attendance records of their employees which shall be reported to the Department of Human Resources on the date and in the manner prescribed by the Director of Human Resources.

11.7 Pecuniary Interests

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City or be financially interested directly or indirectly in the sale to the City of land, materials, supplies or services, except on behalf of the City as an officer or employee.

11.8 Payment of City Taxes

No person shall be entitled to hold any office or employment who is in arrears for any City taxes.

11.9 Purchase of Property

Salaried officers and employees, their spouses and minor children, are prohibited from either directly or indirectly bidding on or purchasing property owned by the City or under the direction and control of the City when the property is being sold at a public sale or auction. City property or property under the direction and control of the City shall not be sold at a public sale or auction to an employee or salaried officer, his spouse or minor children. The City Council may determine by resolution that a sale of such property is in the best interest of the City, and upon such determination being made, such property may be sold to a salaried officer or employee, notwithstanding provisions set forth herein.

RULE 12 - SEPARATION AND DISCIPLINARY ACTIONS

12.1 General Provisions

Except as otherwise provided in these Rules, the tenure of an employee with status shall continue during good behavior and the satisfactory performance of his duties.

12.2 Layoffs

(a) An appointing authority may layoff an employee in the classified service whenever he deems it necessary by reason of shortage of funds or work, abolishment of a position or other material change in duties or organization. The employee shall be notified of the effective date and shall be given written notice of the reasons for the layoffs.

(b) In the classified service, seniority, qualifications, and type of appointment shall be considered in determining the order of layoffs in the manner prescribed hereafter. For purposes of selecting the order of layoffs, if one or more employees in a particular job classification are affected, job seniority in the position shall be the determining factor unless otherwise stated herein. No employee with status is to be separated by layoff while there are provisional, temporary, emergency or probationary employees serving in the City's service in the same class of positions, except that provisional, temporary, emergency or probationary employees may be retained if no regular employee desires and qualifies for such positions except provisions of this Rule shall not apply to employees hired pursuant to Federal or State grants unless displaced City employees qualify and can legally displace employees hired pursuant to Federal or State grants.

(c) If an employee is displaced by a layoff, the City shall give the employee the opportunity to fill a vacant position in accordance with the following rules:

(1) If a vacancy of the same job classification in the classified service exists in the affected employee's department, the employee shall assume that position or be laid off. If one or more employees are eligible for its position, the vacancy shall be filled by the employee having the greatest job seniority.

(2) If no such vacancy of the same job classification exists in the affected employee's department, then the displaced employee shall take a position of the same job classification in another department if there is a vacancy or be laid off. If one or more employees are eligible for the position, the vacancy shall be filled by the employee having the greatest job seniority.

(3) If no vacancy of the same job classification in the classified service exists in any City department, the displaced employee has the option of filling a vacancy in a lower-graded position in the classified service if the employee possesses the qualifications for that position. If one or more employees are eligible for the position, the vacancy shall be filled by the employee having the greatest seniority.

(d) If no vacancies exist in the same job classification under paragraphs (c)1 and (c)(2) and if the displaced employee chooses not to exercise the option in paragraph (c)(3) above, the employee may bump another employee in the classified service in the same job classification in another department if the displaced employee possesses greater job seniority than the employee having

the least job seniority in that particular job classification. If no such positions in another department are available, then the displaced employee may bump an employee in a lower-graded position in the employee's department in the classified service; provided, however, such displaced employee shall be qualified for that position and has greater seniority than the employee having the least seniority in that job classification.

(e) An employee bumped by Section (d) above shall have the right to bump another employee in the same job classification from which the employee was bumped, if the bumping employee has the greater job seniority. Any employee bumped by Section (d) above shall have the right to bump another employee in a lower-graded position in the classified service within the same department, provided the bumping employee possesses the qualifications for that position and has the greater seniority.

(f) A layoff of more than one year shall constitute a break in service with the City; however, for layoffs occurring during fiscal year 1981-1982 a break in service with the City shall occur only if the layoff is more than two years.

(g) For purposes of this rule, the decision as to qualifications for a position shall be made by the appointing authority and the Director.

(h) Any situation arising out of a layoff not specifically covered by these merit rules will be decided on an individual basis in a manner recommended by the Director and approved by the City Manager.

(i) For purposes of this rule the term "department" shall also include the Airport Board, Park Board, and Art Museum.

12.2.1 Temporary Layoff Classified Service

Notwithstanding any other provisions of the Springfield City Code to the contrary, the appointing authority may lay off an employee in the classified service of the City whenever it determines in its discretion that there is a shortage of funds or work and that such shortage is expected not to exceed sixty (60) days. Upon the appointing authority making such a determination, it may lay off employees in accordance with the following provisions:

(a) All temporary, provisional and probationary employees shall be laid off before laying off any employee in the classified service. All temporary, provisional and

probationary employees shall be laid off pursuant to provisions set forth in Rule 12.2.2.

(b) The appointing authority shall have the complete discretion to determine which employee in the classified service shall be laid off and the length of the layoff except a layoff made pursuant to this Rule shall not be for more than sixty (60) days.

(c) The appointing authority shall have the discretion to continue health care insurance contributions made on behalf of such employees. All other City benefits shall be discontinued during the period of the layoff unless such benefits are specifically set forth in this Rule.

(d) The appointing authority shall give notice to the employee as soon as practical, but not later than the second day after it has determined that the layoff is to occur.

(e) An employee who is laid off pursuant to such provisions shall be entitled to reinstatement when the layoff is completed for purposes of computing the length of service for such employee the period of the layoff shall not be deducted therefrom except for the purpose of retirement.

(f) If there are insufficient funds or work sixty (60) days after the layoff has begun, then employees who have been laid off shall be entitled to layoff provisions set forth in Rule 12.2 if such employee otherwise qualifies for such provisions.

(g) An employee who is laid off pursuant to provisions set forth herein shall not be entitled to earn or take any vacation, compensatory time or holidays during the period of the layoff except upon the employee terminating his employment with the City.

(h) In the event an employee elects to terminate his employment during the layoff, then the employee shall lose all rights and any benefits under provisions of this rule or Rule 12.2.

12.2.2 Temporary Layoffs - Temporary, Provisional or Probationary Employees

Notwithstanding any other provisions of the Springfield City Code to the contrary, the appointing authority may lay off a temporary, provisional or probationary employee in the service of the City whenever it determines in its discretion that there is a shortage of funds or work. Upon the appointing authority making such a determination, it may lay off employees in accordance with the following provisions:

(a) The appointing authority shall notify the employee as soon as practical, but not later than the second day after it has determined that the layoff is to occur.

(b) An employee who is laid off pursuant to this provision shall be entitled to reinstatement when the layoff is completed if there is work and funds available.

(c) An employee laid off pursuant to this provision shall not be entitled to any City benefits unless such benefits are specifically set forth in this Rule.

12.3 Forms of Disciplinary Action

Disciplinary action may take any of the following forms: dismissal, demotion, suspension, or reduction in compensation.

An employee under the classified service who is dismissed, demoted, suspended or reduced in compensation shall be notified immediately, in writing, setting forth specific reasons for such action, and shall be notified of his right to appeal to the Personnel Board under Rule 13.4.

An employee given notice of dismissal but prior to the effective date of such action may be retained in duty status, placed on annual leave with pay or suspended with or without pay as determined by the City Manager.

12.4 Causes for Disciplinary Action

Just causes for disciplinary action are listed below although disciplinary action may be taken for other just causes:

(a) The employee has been convicted of a felony or of a misdemeanor involving moral turpitude.

(b) The employee has willfully, wantonly, unreasonably, unnecessarily or through culpable negligence been guilty of brutality or cruelty to an inmate or prisoner of a city institution or to a person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.

(c) The employee has violated any of the principles of the Merit System or of the Rules in this manual.

(d) The employee has been guilty of any conduct unbecoming an officer or employee of the City, either on or off duty.

(e) The employee has violated any lawful official regulation or order or failed to obey any proper direction made and given by a superior officer.

(f) The employee has been under the influence of intoxicants while on duty.

(g) The employee has been guilty of insubordination or of disgraceful conduct, either on or off duty.

(h) The employee is offensive in his conduct or language in public or towards the public, City officials, or employees, either on or off duty.

(i) The employee is incompetent or inefficient in the performance of the duties of his position.

(j) The employee has received two successive service ratings which are unsatisfactory.

(k) The employee is careless or negligent with the moneys or other property of the City.

(l) The employee has failed to pay or make reasonable provisions for future payment of his debts to such an extent that such failure be detrimental to the reputation of the City service.

(m) The employee has used or threatened to use, or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or character of work.

(n) The employee has induced, or has attempted to induce, an officer or employee of the City to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order.

(o) The employee has taken for his personal use from any person any fee, gift or other valuable thing in the course of his work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

(p) The employee has engaged in outside business activities on City time, or has used City property for such activity in violation of Rule 11.5.

(q) The employee has failed to maintain a satisfactory attendance record.

(r) The employee is negligent or unsafe in his conduct or actions thereby jeopardizing the safety of himself and his fellow employees or the safe use of City equipment.

12.5 Separation During Probationary Period

An employee may be separated without the right of appeal at any time during the probationary period as set forth in Rule 9.

12.6 Resignations

An employee who desires to terminate his service with the City shall submit a written resignation to the appointing authority. Resignations shall be submitted at least fourteen (14) calendar days before the final work day. A copy of an employee's resignation with the departmental recommendation shall be filed in the employee's service record in the Department of Human Resources. The period of notice may be reduced or waived upon recommendation of the Department Head.

Failure of an employee to give the prescribed notice without such notice being reduced or waived by the Department Head shall result in the employee being released with prejudice.

12.7 Retirement

(a) The retirement of police and fire employees covered by the pension plan shall be in accordance with the rules and regulations established under the ordinance setting up the police and fire pension plan.

(b) Retired employees may be employed by special contract. The provisions of this section shall not be construed to prohibit the City Manager from entering into a contract with persons who have retired for the performance of technical or professional services on a part-time basis or for a specified duration not to exceed one year at a time, when such service or when qualified personnel are not otherwise available.

12.8 Disability

An employee may be separated for disability when he cannot perform the required duties because of physical or mental impairment. An employee may at any time be required to submit to an examination by a physician designated by the City for the purpose of determining the employee's ability to perform the duties of his position.

12.9 Return of City Property

An employee leaving the service, whether through resignation, layoff or dismissal, is responsible for returning any City property which he may have in his possession. The Director of Human Resources is authorized to withhold an employee's final check or to make deductions for value in case where City property has not been returned by an employee leaving the service.

12.10 Rights of Employees Upon Terminating

Regular employees who separate from the City service shall receive payment of all salary earned up to the effective date of their termination, less all authorized deductions. If the employee has been with the City at least twelve (12) months, payment shall be made for earned vacation leave in an amount not to exceed four (4) weeks accumulation unless the City Manager authorizes payment for earned vacation leave in excess of the four (4) weeks. If an employee has more than four (4) weeks of accrued vacation leave, the City Manager shall have the right to buy out the accumulated vacation leave of the employee if the employee has filed a notice to resign or retire in order to remove the employee from the City payroll records. An employee may authorize a beneficiary the receipt of the lump sum payment for accrued vacation leave provided for herein in the event of the employee's death. The beneficiary of a deceased employee must file with the City letters of refusal or letters of administration issued from an appropriate probate court before the payout can be effectuated under this provision. An employee who refuses to accept an offer

to purchase the employee's accumulated vacation leave benefits shall not be entitled to accrue any additional benefits, including vacation, sick, or holiday benefits under the Salary Ordinance. No payment shall be made for unused sick leave, except an employee hired before July 1, 1998, and on the Crafts and Trades and Laborer Schedule, the Fire Protection Schedule, the Law Enforcement Schedule, the Professional Administrative and Technical Schedule, or the Department Head Schedule after fifteen years of service with the City of Springfield, Missouri, and upon leaving the City service, other than through discharge, shall be entitled to be paid for a portion of the employee's unused sick leave as set out herein. Such employees hired before July 1, 1998, shall be entitled to be paid a sum of money to be computed as follows:

A = Money payment for sick leave, B x 75 percent x C

B = Portion of unused accumulated sick leave not to exceed the limit set in Rule 21.2 (a) as modified by General Ordinance 4287 Section 4.

C = Hourly rate for the position the employee holds at the time of retirement.

Employees starting work on or after July 1, 1998, shall not be entitled to receive any payment for accumulated sick leave upon termination of employment.

Employees who coordinate, in advance, with the Human Resources department, and who voluntarily terminate employment and are reinstated in the same calendar month and year, shall request, in writing, to not receive a payout of their vacation and continuous operation holiday hours upon termination in order to ensure the hours are credited to their accrual balances upon reinstatement.

RULE 13 - APPEALS

13.1 Appeal from Examination Rejection

(a) Any applicant whose application for admission to an open-competitive examination who has been rejected and who has been notified of such rejection and the reasons therefor, may appeal to the Director of Human Resources for reconsideration of his qualifications and for admission to the examination.

(b) Applicants may be conditionally admitted to an examination by the Director pending a consideration of an appeal. Admission to a written examination under such circumstances, however, shall not constitute the assurance of a passing grade in training and experience.

13.2 Appeal from Examination Rating

(a) Any applicant who has taken an examination may appeal to the Director for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly.

(b) Except for correction of clerical errors, a rating in any part of an examination shall not be changed unless it has been found by the Director that a mistake has been made, except as provided in Rule 5. A correction in the rating of an entrance examination shall not affect a certification or appointment that may already have been made from the register, correction in the rating of a promotional examination may affect a certification or appointment already made as provided under Rule 5.12.

13.3 Appeal from Removal from Register

An eligible whose name has been removed from a register for any of the reasons specified in Rule 6.6 may appeal to the Director for reconsideration.

13.4 Appeal from Dismissals, Demotions, Suspensions or Reductions in Compensation

(a) Any employee with status who is demoted, suspended or reduced in compensation in accordance with Rule 12 may either follow the grievance procedure in Rule 13.5 or appeal directly to the Personnel Board in accordance with Rule 13.4(c). If that employee chooses to pursue the grievance procedure, any request for a hearing by the Personnel Board must be filed in writing within five working days after the City Manager has rendered his decision.

(b) Any person who has been dismissed in accordance with Rule 12 shall appeal only to the Personnel Board in accordance with Rule 13.4(c).

(c) When a direct appeal is made to the Personnel Board, a written request, stating the facts pertinent to the appeal, must be delivered to the Secretary of the Board (the Director of Human Resources) at the Director's office within fifteen (15) calendar days following the effective date of the dismissal, demotion, suspension or reduction in compensation, except in the event the 15th

day falls on a Saturday, Sunday or City holiday, then it shall be considered timely if delivered on the next working day.

13.4.1 Providing for Due Process Hearing for Certain Employees

Any employee who has been dismissed, demoted or suspended, who is not otherwise entitled to a hearing before the Personnel Board under Rule 13.4 and who contends that the employee's constitutional rights have been violated, may request a due process hearing by filing a written request for such hearing with the Director of Human Resources within fifteen (15) days after the dismissal, demotion or suspension. If the Director of Human Resources determines that the employee may be entitled to a due process hearing under the Constitution of the United States or the State of Missouri, then the Director of Human Resources shall inform a hearing officer who shall be appointed by the City Manager to hear such cases and such hearing officer shall hold a due process hearing for the purpose of determining if the employee's name or record shall be cleared. Upon hearing the case, the hearing officer shall make his findings of fact and conclusions of law and shall file a copy of same with the City Manager and the Human Resources Director. The hearing officer shall have the authority to adopt rules for hearing such cases and shall have the same authority as the Board to subpoena witnesses and documents to a hearing. Such hearing shall be for the sole purpose of providing the employee an opportunity to clear the employee's name or record, and the hearing officer shall not have any authority to grant the employee an affirmative relief other than to place in the employee's record a copy of his decision.

13.5 Grievance Procedure

(a) Preface

From the standpoint of the following procedures, a grievance exists when an employee feels dissatisfied or annoyed with some aspect of his work over which he has no control.

Calm and sensible discussion between the employee and the immediate supervisor will usually resolve most employee problems. This sort of settlement, without bringing in a third party is, of course, the best way to settle most grievances. This can be done readily when both the supervisor and the employee adopt a proper attitude and show willingness to settle any differences that may exist, intelligently and on a reasonable basis.

Employees are free to seek answers to any question and adjustment of any grievances without discrimination, coercion, restraint or reprisal. Supervisors and higher authorities shall see that all

questions, complaints, and grievances receive prompt, impartial, and systematic consideration in attempting to reach satisfactory adjustments.

The following procedures are to be followed by an employee who sincerely believes that he has reason to complain; his desire that his complaint be reviewed by his immediate supervisor and by higher authority if necessary, and who desires remedial action.

(b) General Provisions

(1) All employees should feel free to present to their immediate supervisor, formally or informally, any problem that is troubling them in connection with their work.

(2) The employee is assured freedom from discrimination, coercion, restraint or reprisal in presenting his grievance.

(3) The employee may choose a fellow employee to accompany him in the procedure.

(4) Whenever possible, grievances are to be handled during the regularly scheduled working hours of the persons involved.

(5) Any step of the procedure may be the last. An employee's grievance shall be considered settled at the completion of any step of the grievance procedure if all parties involved are satisfied. In fact, it is hoped that the great majority of grievances will be settled in the first step. However, nothing in these regulations shall be construed as limiting the employee's right to exhaust the remedies provided herein.

(6) In this procedure, dissatisfaction on someone's part is implied in the movement of the complaint from one step to the next.

The time procedure may be extended by mutual consent of all parties concerned and approval of the Director of Human Resources.

(7) If for any reason it is impossible for the steps in this procedure to be followed as outlined, the procedure may, with the consent of all parties concerned and approval of the Director of Human Resources, be revised to fit the needs.

(8) Whenever the employee is aggrieved by some act of commission or omission on the part of his immediate supervisor, he may initiate the action authorized by this procedure by explaining his grievance to the immediate supervisor of the said supervisor or may initiate the action authorized by forwarding the appeal form to the immediate supervisor of said supervisor.

(9) The procedures outlined in Rule 13.5 shall be construed as encompassing all situations for which an employee feels aggrieved and for which a remedial action is desired, except dismissals or other direct appeals described in Rule 13.4.

(c) Steps of the Procedure

Step a - The employee may explain orally the situation to his immediate supervisor.

The supervisor shall, either alone or in collaboration with his superiors, reach a decision and communicate it orally to the employee within two working days of his being told of the situation causing the grievance. (Every possible effort should be made to settle minor complaints at this stage.)

Step b - If the grievance is not settled at the first step, the employee may within three working days write up an appeal setting forth the facts as he knows them with reference to those sections of the Manual on which the grievance is based and present it to his Department Head. The Department Head shall obtain all pertinent information about the case up to this point from the departmental file. The Department Head may hold a conference with all parties concerned if it is deemed necessary.

Within three working days of receipt of the appeal, the Department Head shall notify the employee and the supervisor of his decision in writing.

Step c - If the grievance is not settled at the second step, the employee may file with the Department of Human Resources an appeal to the City Manager. The Director of Human Resources shall assemble the facts of the case and present them to the City Manager. The City Manager may hold a conference with the persons concerned in the case, if it is deemed necessary.

Within five working days following receipt of the appeal, the City Manager shall present his decision in writing to the Department Head and the employees.

13.6 Personnel Board Hearing

(a) Responsibility of the Personnel Board

When an employee shall make a complaint before the Personnel Board in a case involving his dismissal, demotion, reduction in pay or suspension, it shall be the duty of the Personnel Board to ascertain to the best of its ability the facts of the case and after weighing all available evidence to report its findings to the City Manager for such disposition as he may deem appropriate.

(b) Complaint - Setting Date For Hearing

When a request for a hearing is contained in such complaint, the Board's Chair will review the complaint. After review of said complaint, the Chair of the Board will determine if the Board has jurisdiction to hear the complaint. If it is found that the Board has jurisdiction to hear the complaint, then a public hearing shall be scheduled for a pre-selected date and time as determined by the Board, and at such time and place as designated by the Chair of the Board. In the event there is more than one complaint pending before the Board at the same time, then the Chair of the Board shall have the authority to schedule the hearings in the order that the Chair determines is the most practical method of dispensing of the claims.

Hearings will be scheduled for a pre-selected date and time during the month following receipt of the complaint, provided there is sufficient time to comply with the disclosure phase of the hearing process. Should there not be sufficient time to comply with the disclosure phase of the process, then the pre-selected date set for the next month would be selected. Should the complainant or their legal counsel have a conflict with the original pre-selected date and time, the hearing will be scheduled for the next available pre-selected date and time during the following month. The Board will not reschedule a hearing more than two times to accommodate counsel scheduling conflicts. If scheduling conflicts arise that do not allow the complainant or their counsel to attend one of the three dates provided by the Board, the complainant shall be deemed to have voluntarily waived his or her right to a hearing before the Personnel Board.

The Board reserves the right to reschedule a hearing date if it is apparent a quorum will not be available.

(c) Notice of Hearing

Notice of the time and place set for public hearing shall be given promptly by the Secretary of the Board to the complainant and at least five (5) days prior to the hearing by Certified Mail, Return Receipt Requested, addressed to the complainant at his last known post office address.

(d) Board Shall Have Access to Pertinent Data

In order to properly discharge its function in regard to the review of such disciplinary actions, the Board shall have access to any files, correspondence, memoranda, etc., which they feel might be pertinent to the case and shall have the right of questioning any officers or employees of the City whom they feel may be able to shed light on the circumstances involving the disciplinary action in question. No officer or employee shall himself be subject to disciplinary action as a result of testimony given in such a hearing.

(e) Scope of Personnel Board's Review

In its review of a disciplinary action the Personnel Board shall limit itself, in the absence of overriding cause for considering extraneous matters, to a consideration of: (1) The question of the appropriateness of the discipline to the transgression, with regard to the case under consideration, and (2) the question of whether the employee is guilty of the transgression with which he is charged.

(f) Hearing to be Informal

Hearings shall be conducted in an informal manner with every effort made by the Personnel Board to avoid the appearance of conducting a trial as in a court of law.

(g) Adjournments

Public hearings on complaints may be adjourned only upon good cause shown, and in the event that the complainant shall fail to appear in person or by counsel at the time and place set for hearing, he shall be presumed to have waived his right to further hearing and the Board may proceed forthwith to investigate and determine the case.

(h) Representation

Complainant may, at their election, be represented by counsel, provided that notice of such representation shall be filed with the Secretary of the Board at least forty-eight (48) hours prior to the time set for hearing. The Personnel Board will be represented by counsel provided by the City Attorney.

(i) Conduct of Hearing

Hearings before the Personnel Board shall be public and shall be conducted in an orderly manner with a view of the presentation of all material facts so that a fair and impartial decision may be made. The Chair of the Board shall have full authority at all time to maintain orderly procedure and to reject irrelevant matters and limit the hearing to relevant facts. The Personnel Board shall have the authority to adopt rules and regulations pertaining to the conduct of hearings and the conduct of its business provided such rules are not inconsistent with the laws of the City.

(j) Decisions

The decision of the Personnel Board shall be promptly reduced to writing, setting forth its finding and recommendations, and be filed with the City Manager with a copy to the Mayor. The Board may make recommendations to the City Manager as follows:

(1) The Board may recommend concurrence in the action of demotion, dismissal, suspension or reduction in compensation.

(2) If the Board finds that the action complained of was taken by the appointing authority for political, religious or ethnic reasons, the Board shall recommend that the employee be restored to his former position or a like status without loss of pay and without penalization.

(3) In all cases, the findings and recommendations of the Board shall be submitted to the City Manager for his consideration, who may, not later than thirty (30) days after receipt of such findings and recommendations, restore the employee to his former status with or without loss of pay for the period involved; modify his original decision of dismissal, demotion, suspension or reduction in compensation; or continue with his original decision. The decision of the City Manager shall be final.

(4) When an employee is dismissed and not reinstated after much appeal, the Board in its discretion may recommend that his name be placed on an appropriate re-employment list for employment in any similar position other than the one from which he has been removed, and the City Manager may act thereon at his discretion.

(k) Subpoena Power

The Chair of the Board shall have the power to issue subpoenas to compel witnesses to attend public or private hearings of the Board and to produce at such hearings relevant books or records with regard to a matter under appeal. Failure to comply with such subpoenas shall be punishable in Municipal Court in accordance with provisions of Section 1-7 of the Springfield City Code; provided, no such subpoena shall require any appearance sooner than three (3) days from the date such subpoena shall be served and the party subpoenaed shall have two (2) days from the date of service to move the Municipal Court to quash the subpoena. If a motion is made, the Court may continue the time for compliance with such subpoena as necessary to rule on the motion but not longer than ten (10) days from the original date set for the appearance. A copy of such motion is to be served upon the City Attorney as counsel for the Board.

RULE 14 - EMPLOYEE PERFORMANCE

14.1 Performance Appraisal

The Director shall, in cooperation with appointing authorities and others, develop and adopt a system of appraising the performance of employees in the classified service for purposes of employee development and improving work performance.

14.2 Programs to Improve Efficiency of Employees

The Director shall cooperate with appointing authorities in developing and promoting programs for employee training, safety, morale, work motivation, health, counseling, and welfare. The Director shall prescribe or approve procedures for resolving employee grievances and complaints, within the provisions of Rule 13.

RULE 15 - RECORDS AND REPORTS AND NOTICES TO EMPLOYEES

15.1 Personnel Forms

The Director shall prescribe personnel forms which appointing authorities shall use and properly maintain all employee records and record and report all personnel actions and status changes. The Director shall inform the appointing authorities which personnel actions and status changes must be reported to him.

15.2 Leave Records

The Director of Human Resources shall install and maintain a leave record showing for each City employee: (1) annual leave earned, used and unused; (2) sick leave earned, used and unused; and (3) any other leave with or without pay. Such records shall be the basis for periodic reports to the City Manager on leaves as he may require.

15.3 Official Roster

The Director shall prepare and maintain a record of all employees showing for each employee his name, address, title of position, salary rate, changes in status, transfer, sick leave, and annual leave and other pertinent data.

15.4 Records of the Department of Human Resources

(a) Except as otherwise provided in these Rules, all records of the Department shall be considered public records and may be inspected, when in the public interest, upon application made to the Director during normal working hours.

(b) Records in the Department involving investigation correspondence and data related to the moral character and reputation of applicants for employment or employees in the City service files, statements, reports, correspondence and other data in connection with and related to investigations of violations of these Rules conducted by the Board; and examination materials, questions, data and examinations and tests conducted and held by the Department shall be held confidential.

(c) All existing or future personnel records of the City pertaining to the hiring, firing, disciplining or the promotion of personnel of the City shall be closed to the public unless the person whose record is released requests the same or the record is made part of the pleadings or admitted into evidence at a public hearing before the Personnel Board or other judicial or quasi-judicial body.

(d) The City Council may, by specific vote, authorize the opening of any record closed under this Section.

(e) The City Manager or his designee may, in his discretion, as he deems necessary or appropriate, open a record that is closed under provisions of Sec. 610.021., RSMo. 1987 Supp.

15.5 Notice to Employees

Notwithstanding any other provision of the Springfield City Code to the contrary, whenever a notice is required to be given to an employee pursuant to the Merit System Rules and Regulations or whenever the City needs to notify an employee, the mailing of a letter containing the notice by the City to the address maintained on the official roster of the City shall be deemed to constitute notice. Nothing contained herein shall prevent the City from utilizing other methods to give notice such as giving the employee actual notice or notice by any other lawful means. Employees shall be required at all times to maintain their current address on the official roster pursuant to Rule. 15.3.

RULE 16 - ADMINISTRATION OF THE CLASSIFICATION PLAN

16.1 Classification of Positions

All positions in the classified service shall be grouped into classes and each class shall include those positions sufficiently similar based on job analysis techniques with respect to their duties, responsibilities, and qualifications to ensure the gathering and documenting of positions with similar requirements as to training, experience, knowledge, skill, personal qualities, and the same rate of compensation applicable thereto.

16.2 Preparation and Content of Class Specifications

Class specifications shall be prepared by the Director of Human Resources and approved by the City Manager, defining the duties and responsibilities of all positions and the minimum entrance qualifications for successful performance. In addition to the specific qualifications as set forth in the class specifications, it shall be understood that all positions require: Ability to read, write, speak, and understand the English language and to follow written and oral instructions; ability to get along with others; thoroughness, accuracy, sobriety, integrity, loyalty, and a record of orderly law-abiding citizenship.

16.3 Identification of the Classification Plan

The classes of positions, as set forth in Section 2-29, Chapter 2, Article III, Division I, of the City Code and amendments thereto, and the specifications for the respective classes, shall constitute the Classification Plan on the basis of which all positions in the classified service and specified positions in the unclassified service shall be identified.

16.4 Allocation of Existing Positions

The positions subject to the Classification Plan are allocated to appropriate classes in accordance with the allocation records which shall be maintained by the Director of Human Resources.

16.5 Allocation of New Positions

The Director of Human Resources shall study the duties and responsibilities of each new position as it is created and, on the basis of his study, allocate it to the appropriate class.

16.6 Changes in Duties and Responsibilities

Whenever a significant change is made in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments, such changes shall be reported to the Director of Human Resources by the Department Head concerned. The Director of Human Resources shall investigate such changes and, if they are to be permanent and call for reclassification, he shall cause the position to be reallocated to the appropriate class.

16.7 Class Titles and Codes

(a) Each of the standard titles specified in the Classification Plan is used to identify a class of positions and shall be used also to identify each individual position of the class.

(b) The class titles are generally indicative of the work of the class and of the level of its importance and responsibility. Where Roman numerals are affixed at the end of a title to indicate level within an occupation sub-series, the higher numbers represent the higher levels. The Roman numerals affixed to titles in one sub-series have no relation to those in titles of another sub-series, and different titles with the same Roman numeral may properly be at different grade levels.

(c) The 4-digit numerical code, which is associated with each class in the Classification Plan, may be used to identify a class or any position of the class. The first digit of the code refers to the occupational group, the next digit refers to the occupational series within the group, and the last two digits refer to the class within the series. Thus any class or position of a class can be identified with its occupation grouping from the code number alone. Further, where Roman numerals are a part of the title, the last digit of the code is consistent with the Roman numeral of the title.

(d) The class title and/or code shall be used to designate positions or employees in all budget estimates, payrolls, personnel records, reports and other official records, and in internal correspondence or other communications relative to personnel administrative processes.

(e) (1) For purposes of external relations, or other purposes not relating to personnel administration, any suitable organizational title or other title now in common use, may be continued: provided that such title is not similar to, nor may be confused with, any standard class title other than the one by which the position involved is officially designated.

(2) The City Manager may, upon the recommendation of the Director of Human Resources, change any class title of any job position as may be necessary to appropriately reflect the duties of the position. The class title change shall not alter the previously established grade, compensation, or benefits for the job position.

16.8 Interpretation and Use of Class Specifications

(a) The class specifications are mainly descriptive and not restrictive, except as to the minimum qualification requirements specified therein. The inclusion of particular expressions of characteristics or examples of duties shall not exclude others of similar kind and quality.

(b) Any employee may be required, by competent authority, to perform any of the duties described in the class specification, any other duties which are of similar kind and quality, and any duties of lower classes in the same occupational series or in other series which have similar characteristics.

(c) In determining the class to which a position should be allocated, each class specification shall be considered as a whole, giving consideration to the general characteristics, specific examples of duties, responsibilities, education and experience requirements, knowledge, skills and abilities, and relationships with other classes.

(d) The qualification statements in each class specification establish minimum requirements that must be met by any individual before he may be considered for appointment or promotion in the classified service. Common alternative combinations of education, training or experience, are specified in the class specifications. However, other combinations may be qualifying if deemed equivalent by the Director of Human Resources.

RULE 17 - DEFINITION AND APPLICATION OF THE COMPENSATION PLAN

17.1 Compensation Plan

The City's compensation plan is made up of two primary components which include internal equity and external pay competitiveness which result in salary schedules. Internal equity consists of job analysis and job evaluation procedures in order to determine each class of positions' salary grade assignment. External pay competitiveness is measured through the use of periodic salary surveys. Periodic salary surveys may include an Occupational Series survey methodology in order to make direct market comparisons and adjustments. Salary schedules are adopted by the City Council and subsequent amendments thereto.

17.2 Full-time Basis of Salary Rates

Salary rates shall be bi-weekly based on full-time employment at normal working hours for the respective class of positions. Salaries of temporary, seasonal, or part-time positions shall be determined as provided in Rule 17.3 and 17.4 below.

17.3 Computation of Salaries of Part-time Employees

An employee who is employed on a part-time schedule shall be paid on an hourly basis to be determined by the grade of the position and the step within grade to which the employee is assigned. In the case of those employees performing services of an administrative, technical or professional nature, payment for part-time work may be a percentage of the step within the salary grade to which the employee's position is assigned, such percentage to reflect the approximate number of hours worked by the employee with relation to full-time work.

17.4 Compensation of Temporary and Seasonal Employees

Temporary or seasonal employees shall, unless otherwise set forth in the compensation ordinance, be compensated at a rate agreed upon as appropriate by the Director of Human Resources and the appointing authority.

17.5 Total Remuneration

The salary rate determined for a position under these Rules shall represent the total remuneration for the employee, not including reimbursement for official travel. Except as otherwise provided in these Rules, no employee shall receive pay from the City in addition to the salary authorized under the schedules provided in the compensation plan for services rendered by him either in the discharge of his ordinary duties or any additional duties which may be imposed upon him or

which he may undertake or volunteer to perform. No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees for performance of their duties. If a reward, gift or other form of remuneration is made available to any employee, it shall be credited to a designated employee's fund.

17.6 Use of City-Owned Vehicles

(a) A City employee shall not use a City-owned vehicle except for the purpose of conducting City business. A City employee shall not drive a City-owned vehicle, which shall include a motorcycle, to or from the employee's place of residence before or after normal working hours except as authorized herein. The Head of a Department or authorized member of an administrative board having supervisory control of an employee may authorize such employee to drive a City-owned vehicle to or from the employee's place of residence outside normal working hours when it has been determined by the City Manager after recommendation by the Department Head or Board having supervisory control over the employee that the vehicle is being used for a purpose that serves the City and that the vehicle is not being used solely to provide transportation to or from the employee's place of residence. The City Manager shall not authorize more than seventy (70) employees to use on a permanent basis City-owned vehicles, which shall include motorcycles, outside normal business hours. In addition to the seventy (70) employees who may be permanently assigned to City vehicles, the Department Head may authorize an employee to periodically use a City vehicle for City business outside normal working hours, provided however, authorization to use a City-owned vehicle outside normal working hours shall not be granted to any employee more than twenty-five days in a calendar year. Authorization granting an employee permission to drive a City-owned vehicle outside normal working hours shall be in writing and shall be filed at the office of the administrative board or agency having supervisory control of the employee and the City Manager's office.

(b) The Chief of Police may, with the approval of the City Manager, establish a policy and procedure authorizing sworn and commissioned police department employees who reside within the Springfield city limits and are not otherwise assigned a vehicle under the provisions of the above subsection (a) to use City-owned marked police vehicles, when in other than an on duty status, including driving such vehicles to and from home and work. The policy and procedure for the use of these vehicles may be amended or discontinued in whole or part at any time in the sole discretion of the Chief of Police or the City Manager, and shall not be considered as constituting an employee benefit or form of compensation for purposes of any such amendment or discontinuance. Officers assigned vehicles under this provision shall not receive any compensation from the City for time spent driving the vehicles to and from work, or for time

spent driving the vehicles while in an off-duty or extra-duty capacity, subject to any exceptions which may be described in the policy and procedure for use of these vehicles. Officers also shall receive no additional compensation for time spent keeping the assigned vehicles clean, or for time spent arranging for repair or maintenance work to be performed upon the assigned vehicles. Copies of the policy and procedure, as it may be amended from time to time, shall be kept by the Chief of Police and filed with the City Manager, the Director of Human Resources and the City Clerk. The provisions of the policy and procedure adopted for the use of these vehicles may differ from the provisions set out in the preceding subsection (a) as may be necessary or beneficial to further the intended purpose and benefit to the City from such use of these vehicles. Officers receiving an assigned vehicle must first sign an acknowledgement and agreement in a form to be provided by the City acknowledging their understanding of this Merit Rule and the policy and procedure, and agreeing to accept, use and be compensated for the assignment of the vehicle pursuant to the terms and conditions of the policy and this Merit Rule.

17.7 Partial Reimbursement for Purchase of Computers

(a) Purpose. The City of Springfield recognizes that the information highway is available only through computers and with the advent of the INTERNET, computer competency becomes even more important to assure the employees of the City have the information necessary to be successful in their positions. The City Council also recognizes that the more exposure the employee has with the computer the higher the probability the employee will access the information on the computer necessary for the benefit of his job with the City.

(b) The City Manager may promulgate procedures and enter into any necessary contractual agreements with computer companies and with lending institutions, as necessary, to assist employees in purchasing one personal computer system; including central processing unit, monitor, keyboard, modem, one software and printer, to be used by the employee or his immediate family member at the employee's principal place of residence. After approval of the purchase by the City Manager or Designee, the employee may be reimbursed up to fifteen percent (15%) of the purchase price, which purchase price shall not exceed Four Thousand Dollars ($4,000). Reimbursement for a second system must be at least 36 months after the reimbursement for the previous purchase. Part time regular employees may be reimbursed at a prorated rate, based upon the ratio of the number of hours regularly worked per week by the employee to full time hours for the position, as may be determined to be appropriate by the City Manager or his Designee.

(c) Partial reimbursement for the purchase of personal computer systems will only be paid when funding is authorized in the approved annual budget.

17.8 Internet Service Allowance

In recognition of the benefits accruing to the City described in Merit Rule 17.7 from employees having computer competency and access, subject to budgetary limitations, the City Manager may authorize the payment of an allowance for up to fifty employees to defray the cost of maintaining Internet service access for the employee's home. The allowance shall be equal to the amount of the monthly cost of the Internet access service to the employee, up to a maximum of Forty Dollars ($40.00) per month. The City Manager may prescribe other conditions of eligibility for and payment of the allowance as he deems necessary and appropriate.

RULE 18 - ADMINISTRATION OF THE COMPENSATION PLAN

18.1 Entrance Salary Rates

(a) Starting Rate on Initial Employment

Original appointment to any position shall be made at the minimum rate and advancement from the entrance rate to the maximum rate within a salary range shall be by successive steps. Upon recommendation of the Department Head, the Director of Human Resources, or designee, may approve initial compensation at a rate higher than the minimum rate in the range for the class when the needs of the service make such action warranted when considering such factors as the candidate's outstanding experiences and abilities over and above the qualification requirements specified for the class, the market pay competitiveness of the job's entry pay rate, the candidate's salary history, or that a critical shortage of applicants exists. In the latter case, except as described herein, any incumbents receiving a lower rate shall have their rates increased to the rate established for entrance of new employees. Provided that, new employees appointed to positions within the Police Department, pursuant to a lateral hiring program established by the Police Department, seeking employees with prior law enforcement experience, with the criteria and conditions of the program to be established by the Chief of Police, and approved by the City Manager, may receive an initial salary rate higher than the minimum rate, upon the recommendation the Chief of Police and approval of the Director of Human Resources or designee, and the City Manager. When Police Department employees are hired at a rate higher than the minimum rate for the position pursuant to the Police Department's lateral hiring program, such hiring shall not result in an increase in pay for any incumbents receiving a lower rate.

(b) Starting Rate on Return to Duty

When an employee returns to duty in the same class of position after a separation from the City service of not more than one year, which separation was not due to circumstances detrimental to the best interests of the City, such employee shall receive the rate in the salary range not to exceed that which he received at the time of separation. An Employee returned to duty at the same step which he received at the time of separation shall remain thereat for at least such period as is normally required for advancement to the next full step.

An exception will be made if the employee, who is returned to duty, has voluntarily terminated their employment and was reinstated within the same calendar month and year of their termination. In such cases, the employee's increment/evaluation date shall remain the same as it was upon termination unless the employee has a break in service of more than one calendar day.

(c) Starting Rate on Return from Military Service

In the event of the return to duty of an employee who left the City service as a result of being inducted into the Armed Forces, the normal procedure shall be to place him in the step of the salary range of the previously held position which in the normal course of events he would occupy had he not left the City service.

In specific circumstances, upon recommendation of the Department Head and approval of the Director of Human Resources, the returning employee may be granted the same salary rate he received at the time of his induction or a higher rate of the range for his classification than he would probably have occupied had he not left the City service but stayed on receiving only the standard annual increments. In no case, except by voluntary action, shall he be returned at a lower salary than he was receiving at the time of his induction.

In specific circumstances, when due to the interim experience and training of the employee returning from military service, said returning employee may be placed without competitive examination in a position of a higher classification than that which he previously occupied; provided however, that he possesses fully the qualifications of that class.

(d) Starting Rate on Return to a Classified Position From an Unclassified Position

Any employee who has left a classified position to accept an unclassified position, and who subsequently is reinstated in the position previously held by him or some other similar position for which he is fully qualified, shall be entitled to the same rate of salary he was receiving upon

entrance into the unclassified position or a higher rate of the range for his classification if such action is deemed by the Director to be in the best interest of the City.

(e) Rate of Pay on Demotion

Whenever an employee is demoted to a position for which he is qualified, he shall receive the rate in the lower salary range which provides the smallest decrease in pay if the action is not for cause or any appropriate lower step in the range if the action is for cause.

(f) Starting Rate on Transfer to New Position

Transfer of an employee from one position to another shall not affect the rate being received by the employee at the time of transfer.

(g) Rate of Pay on Promotion

In any case where an employee is promoted to a class with a higher base maximum rate, the rate upon promotion shall be at the lowest step in the higher range that will provide an increase of about 10% (two increments) over the rate received immediately prior to the promotion; provided that in cases where the maximum rate of the position to which promoted is only 5% (one increment) above the maximum rate of the former position, the increase on promotion shall be about 5% (one increment). In either case the Director may approve a starting rate upon promotion greater than that provided herein. Advancement to the maximum rates subsequent to promotion will be on the same basis as described in Rule 18.2 below.

(h) Rate of Pay on Reallocation

In the event of the reallocation of a position to a class which is at a higher grade level, the employee concerned shall normally be paid at the same rate in his new pay grade or if no rate of the new range is the same, at the lowest rate of the new range which is above his former rate; provided however, the new rate of pay shall not be less than two and a half percent (2.5%) of the employee's base rate at the time of the reallocation, except an employee placed at the top step in the new pay grade through the reallocation may realize less than the two and a half percent increase of base rate but shall not exceed the pay grade. The Director may approve a pay rate upon reclassification greater than 2.5%, provided it is within the salary range. In the event of reallocation of a position to a class which is at a lower grade level, the employee concerned shall continue at the higher pay grade and shall be entitled to all benefits and pay associated with such pay grade until the employee vacates the position by transfer, promotion, demotion, or separation from the City service.

Reallocation to another class at the same grade level shall not affect the salary being received by the employee concerned.

(i) Initial Effect of Pay Plan

On the effective date of a new or revised pay plan the initial assignment of employees to the pay schedule shall be as follows: Employees receiving less than the minimum rate for their class to be increased to the minimum rate of the salary range. Employees receiving more than the maximum rate of their class to continue at the same rate. Employees whose salary rates fall at any step in the range for their position to be assigned that rate.

18.2 Advancement within a Salary Range

(a) Any employee may advance to the next step or higher rate of compensation within a salary range when all of the following conditions have been met: (1) when he holds an appointment to a regular position, (2) when such an increase will not exceed the maximum rate for the grade, (3) when at least a year of continuous service has elapsed since his most recent merit increase, promotion or demotion for cause, or hire date (an employee may be advanced in less than one year for reasons approved by the City Manager), (4) when the Department Head certifies that the employee has met prescribed standards of performance established for the department and recommends in writing advancement to the next higher rate, and (5) when the City's approved annual budget authorizes funding for annual step increases. Periods of unpaid leave, including leave pursuant to Merit Rule 27, taken in excess of ten days shall extend the one-year elapsed continuous service time requirement referenced in the preceding subparagraph 18.2(a) (3) above by the length of such unpaid leave.

(b) Anniversary Date for Pay Advancement - Anniversary dates for review and advancement within the pay range for the position shall be the actual date of promotion, employment, or the beginning of a prescribed training program such as a police academy or other extensive training program. Salary changes shall be effective the first day of the pay period. An employee's anniversary date may be changed when a new or revised pay plan results in the employee receiving an added benefit which he would not have received under normal operation of the previous plan.

(c) For Outstanding Performance - In the case of employees who have exhibited outstanding ability and exemplary effort for a period of one year, an advance of two or more steps within the range may be recommended by the Department Head and approved by the City Manager.

(d) Salary Increases for Exempt Employees – With respect to employees exempt from the maximum hours and minimum payment provisions of the Fair Labor Standards Act, Sections 29 U.S.C. 206 and 207, the City Manager may prescribe certain guidelines, which shall be in writing and filed in the offices of the City Manager and the Human Resources Department, allowing such exempt employees' department heads the discretionary authority to determine the amount of said employees' annual salary increases, including the discretionary authority to increase, within budgetary limitations, the annual compensation of any such employee by an amount not to exceed five percent (5%) above the applicable base pay rate level stated in the respective City compensation schedule for the employee's position. Provided that, said guidelines shall be performance based and not contrary to the principles of the Merit System.

18.3 Recommendations for Salary Advancement Within Range

The head of the department or office concerned shall recommend in writing to the Director the advancement in salary of each employee in his department who has met the requirements for pay advancement. In the case of an advancement upon completion of the probationary period, the recommendation shall include the certification that the probationary period has been successfully completed. In the case of subsequent advancements within the range, the recommendation shall include a certification that employee's service has been entirely satisfactory for at least six months immediately prior to the effective date of the recommended advancement in salary or wage or outstanding service for a year, as the case may be.

18.4 Requirements as to Continuity of Service

Service requirements for advancement within pay ranges and for other purposes as specified in these Rules shall have the implication of continuous service, which means employment in the City service without break or interruption in either classified or unclassified positions. Leave of absence with pay and leaves without pay of ten or less days shall not interrupt continuous service nor be deducted therefrom. Absences on leave without pay in excess of ten days, except for extended service with the Armed Forces of the United States, shall be deducted in computing total service but shall not serve to interrupt continuous service. If an employee resigns but is later reinstated, such resignation shall constitute a break in continuous service. Prior credit may be granted, however, in determining total service provided the break does not exceed one calendar year.

RULE 19 - SPECIAL PROVISIONS GOVERNING HOURS OF WORK AND COMPENSATION

19.1 Overtime Administration and Compensation

(a) In emergencies a Department Head may prescribe reasonable periods of overtime work to meet operational needs. Such overtime shall be reported and justified as required by the City Manager. Complete records of overtime of employees shall be maintained in each department or office. Payment for overtime work shall be in accordance with the regular salary ordinance.

(b) All uniformed firefighting personnel who are required to remain on duty past the end of their shift due to an emergency situation or lack of relief by fellow firefighting personnel and are therefore in a hold-over situation, shall be credited, with pay or compensatory time, at the rate of time and one-half for the actual time during which the employee continues in their duties. In addition, all non-exempt uniformed firefighting personnel who report for court duty due to a court subpoena related to City business shall be credited, with pay or compensatory time, at the rate of time-and-one-half for the court duty time worked.

19.2.1 Change of Work Shift

(a) Twenty-Four-Hour Notice for all Employees.

An employee shall receive twenty-four hours notice of a permanent change in his regular shift assignment.

(b) Less than Twenty-Four-Hour Notice (CTL Employees).

When the City is required to change any Crafts, Trade or Laborers employee's normal work shift temporarily with less than 24-hours notice, then in that event an employee whose work shift is so changed shall be credited at time and one-half for those hours worked outside the time period during which the employee's normal work shift hours occur, but only for the first such changed shift during the continuance of the changed work schedule. Such credit shall be given in cash or compensatory time off as determined under general conditions approved by the City Manager. Hours worked during the first such changed shift which fall within the time period, during which the employee's normal work shift hours occur, shall be paid at the straight time rate.

19.2.2 Emergency Calls

All nonexempt employees, excluding part time or temporary employees, unless specifically authorized by contract, who report back to work for an emergency overtime assignment at the direction of proper authority after leaving their assigned place of work at the end of the regular shift, and who are officially excused before completing four hours of work, shall be credited with four hours overtime at time-and-one-half. In the event an employee works more than four hours, all additional hours worked which are outside the time period during which the employee's normal work shift hours occur shall be at time-and-one-half. Hours worked which are within the time period during which the employee's normal work shift hours occur shall be paid at the straight time rate. Overtime shall be given in cash or compensatory time off as determined under general conditions approved by the City Manager.

19.2.3 Emergency Calls - Fire Marshals Assigned On-Call

(a) Not withstanding any other provisions of the Springfield City Code to the contrary, Fire Marshals assigned to work as on-call Fire Investigator shall be ineligible for the emergency call-in provisions of Section 19.2.2 of the Merit System rules and regulations, but shall, instead, be paid for on-call time and emergency call-ins as follows.

(b) Fire Marshals assigned by their supervisor to work as the on-call Fire Investigator shall receive compensation at the rate of 1/2 time for all time on call. On-call Fire Investigators shall also receive regular straight time pay for actual time worked during an emergency call-in. The on-call Fire Marshal shall not be credited with a minimum number of hours worked during an emergency call-in but will only be paid for actual time worked.

19.3 Bulletproof Vest Provision

In addition to any other benefits authorized by the ordinances of the City, the City shall issue a bulletproof vest to all Police Officers requesting the same provided any Police Officer owning a bulletproof vest prior to the passage of this ordinance may receive on a one time basis a clothing allowance for such vest based on the reasonable cost of such vest.

19.4 Sick Leave Incentive Plan

(a) Any regular full-time employee of the City who shall use four or less hours of personal sick leave in any six-month period shall receive One Hundred Dollars ($100). The six-month period of each year will commence with the beginning date of the pay period which coincides with the first pay date in July, and the subsequent six month period commence with the beginning date of the pay period which coincides with the first pay date in the following January. An employee

must be in active employment status and not on any leave of absence without pay for the entire six-month period to be eligible for the sick leave incentive pay provided under this Section.

(b) Any regular part-time employee of the City who uses an amount of personal sick leave in such a six-month period no greater than ten percent of the employee's regular number of scheduled hours of work per week shall also be eligible for a percentage amount of the $100 payment under the same terms and conditions as stated above, with the percentage equaling the ratio of the employee's regular number of scheduled hours per week to 40 hours per week (100%).

(c) Sick leave incentive payments will only be made when funding is authorized in the approved annual budget.

19.5 Employee Performance Incentive Programs

(a) In addition to any employee incentive programs already established by ordinance, the City Manager is authorized, in conjunction with the Director of Human Resources and the heads of any departments having eligible employees for a program, to develop and implement programs which provide compensation-based incentives for employee groups or individual performance in improving service and/or reducing costs. The purpose and intent of any such programs shall be to realize for the City actual and verifiable cost savings, increases in efficiency in the performance of services, and/or improvements in service through the availability of such incentive compensation.

(b) Such programs shall be subject to any applicable budgetary limitations on available funds, including approval as a part of the department’s annual budget, and any such incentive compensation shall be in addition to an employee’s regular base pay for his job position. Any individual incentive payment or payments to an employee under any such program shall also not exceed the total gross amount of One Thousand Five Hundred ($1,500.00) per year, without City Council approval for payment of a higher amount.

(c) The terms and conditions of any such incentive programs shall be communicated to all eligible employees at the time of implementation of the program, and subsequently, to any other employees at or prior to the time they become eligible to participate. Written copies of the current terms and conditions of any such programs shall also be kept in the offices of the Department of Human Resources, the City Clerk, and the heads of each department in which

employees eligible for the program are employed, and shall be available for inspection by any employee.

(d) The Director of Human Resources and the heads of any departments having eligible employees for a program, with the approval of the City Manager, shall establish and define the size and scope of any such programs, any necessary criteria, terms and conditions for eligibility and participation in such programs, the amount and manner of payment of any incentive compensation amounts, and the commencement, continuation or termination of any such programs, within the conditions stated in this Merit Rule and otherwise to the extent not in conflict with City ordinances, the City Charter, or other provisions of law, as the City Manager may deem appropriate in his discretion. Any such program criteria, terms and conditions shall be reasonable and readily understandable, and shall be consistent with the purpose and intent of the program as described in subsection (a) of this Merit Rule.

19.6 Prior Service Credit Benefit (Tier II-to-LAGERS Migration)

In addition to any other benefits authorized by the ordinances of the City, employees who are members of the Fire Protection Schedule (FPS) and Law Enforcement Schedule (LES) who were hired after June 1, 2006, and prior to January 31, 2010, who are active members of the Springfield Police Officers' and Firefighters' Pension System (Tier II) and who voluntarily elect to terminate, reinstate and then transition to the LAGERS L-11 benefit program are eligible to purchase all forfeited prior service credit as earned under Tier II if:

A) The employee elects to terminate, reinstate and transition to LAGERS L-11 between July 17 and 18, 2010; and

B) The employee becomes vested in LAGERS (normally 5 years); and

C) The employee requests and remits to the City the written estimate to purchase the prior credit as calculated by LAGERS no later than June 30, 2016; and

D) The employee remits 100% of the amount received from the Police and Fire Pension Plan from their return of contribution directly to LAGERS no later than June 30, 2016, as their payment towards their purchase of all, or a portion of, their prior service credit.

RULE 20 - HOLIDAYS

20.1 Compensation for Absence on Holidays

All regular employees of the City, except those granted additional vacation in lieu of holidays, shall receive normal compensation for the nine legal holidays listed below and any other day or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the City Council. Regular full-time and regular part-time employees working less than forty (40) hours per week shall receive compensation in proportion to the average number of hours normally scheduled to work. Legal holidays to be observed are:

January 1 - New Year's Day
Third Monday in January - Martin Luther King Day
Third Monday in February - President's Day
Last Monday in May - Memorial Day
July 4 - Independence Day
First Monday of September - Labor Day
November 11 - Veterans Day
Fourth Thursday of November - Thanksgiving Day
December 25 - Christmas Day

Three floating holidays (thirty-six hours for FPS employees assigned to a twenty-four hour shift) per calendar year to be chosen by the employee subject to the approval of the head of the department or agency, which shall be taken by the end of the last full pay period of the calendar year or will be forfeited. During an employee's first year of employment, floating holidays will be provided at the time of hire for all regular employees hired on or before September 30 of the calendar year. Employees who hold positions shown on the PAT, CTL & DHS Schedules shall be granted one additional holiday per calendar year to be chosen by the employee subject to the approval of the head of the department or agency, which day shall be taken during the calendar year or will otherwise be forfeited. Upon retirement from the City service, an employee shall be entitled to a lump sum payment for all holidays that the employee is entitled to but has not taken under the provisions of this paragraph. Holidays authorized pursuant to this paragraph shall be known as "floating holidays".

It shall be the policy of the City to ensure that all regular employees enjoy the same number of legal holidays each year. The standards shall be the number of holidays in a particular year which will be celebrated by regular employees working a 40-hour week, Monday through Friday.

For this group when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on Saturday, the employee shall be allowed another day off as designated by the Department Head under general regulations established by the City Manager.

For regular employees whose work week is other than Monday through Friday, the Department Head shall designate the work day that shall be observed.

Any employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.

All regular employees of the City shall be granted an additional day of leave, (twelve hours for FPS employees assigned to a twenty-four hour shift) known as a Pin Day, upon each 5th anniversary date of their day of employment with the City. Such Pin Day shall be taken during the year following the anniversary date and shall be taken upon approval of the head of his department or agency. Employees are not eligible for payout of an unused Pin Day upon termination or retirement.

20.2 Work Performed on Regularly Scheduled Holiday

Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at the regular rate in accordance with Section 21.1 (c); or be compensated in cash at the rate of one and one-half times the regular rate, whichever is determined as practical by the Department Head under general conditions approved by the City Manager.

RULE 21 - LEAVES OF ABSENCE

21.1 Vacation Leave

(a) Every officer and employee in the City service holding a regular status position shall be allowed annual vacation leave with pay as hereinafter set forth in this article:

Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty week to which the employee is assigned at the time of his vacation. Employees with less than eight (8) years of continuous service with the City shall be allowed vacation leave at the rate of two times the number of hours in their standard work or duty week. Employees with eight (8), but less than sixteen (16) years of continuous service shall be allowed vacation leave at the rate of three times the number of hours in their standard work or duty week.

Employees with sixteen (16) or more years of continuous service shall be allowed annual vacation leave at the rate of four (4) times the number of hours in their standard work or duty week. Employees shall accumulate vacation time for each week of employment at a rate of 1/52 times the number of vacation days per year to which the employee is entitled.

(b) Vacation leave shall normally be taken during the year following its accumulation.

(c)(1) Employees who are employed in a continuous operation and are required to work on regular City holidays or are off on certain holidays as a result of their off-duty day falling on the holiday, may be granted annual leave in addition to their normal annual leave equal in work days to the number of holidays enjoyed by regular employees working a 40-hour week, Monday through Friday. Fire Department employees on 24-hour duty shift assignment shall receive one-half duty shift for each holiday received by regular 40-hour employees. Employees commencing employment on or after July 1, 2004, may accumulate a maximum of two times the amount of such holiday leave accruable in a twelve month period, provided however, any such holiday leave time earned but not used which exceeds this amount shall be forfeited by such employees.

(2) Employees on the Professional, Administrative and Technical (PAT), and the Crafts, Trade and Labor (CTL) pay schedules employed in a continuous operation as described above leaving City service through retirement or other separation shall be entitled to receive at such time of retirement or separation payment for such accrued leave in up to the maximum amounts as set out below:

Date of Retirement or Separation	PAT and CTL Continuous Operation Holiday Payout Allowed
Through 12-31-2005	No cap on payout.
From 1-1-2006 through 12-31-2007	400 hours maximum payout.
From 1-1-2008 through 12-31-2009	200 hours maximum payout.
On and after 1-1-2010	2 times possible annual accrual maximum payout (for example: PAT or CTL 8-hour day, 40 hours per week schedule = 144 hours).

(3) Employees on the Fire Protection (FPS) pay schedule employed in a continuous operation as described above leaving City service through retirement or other separation shall be entitled to

receive at such time of retirement or separation payment for such accrued leave in up to the maximum amounts as set out below:

Retirements and Separations	Continuous Operation Holiday Payout Allowed
Through 12-31-2005	No cap on payout.
From 1-1-2006 through 12-31-2006	1000 hours maximum payout.
From 1-1-2007 through 12-31-2007	800 hours maximum payout.
From 1-1-2008 through 12-31-2008	600 hours maximum payout.
From 1-1-2009 through 12-31-2009	400 hours maximum payout.
From 1-1-2010 through 12-31-2011	300 hours maximum payout.
On and after 1-1-2012	2 times possible annual accrual maximum payout (for example: FPS 8-hour day, 40 hours per week schedule = 144 hours; FPS 24-hour schedule = 216 hours).

(4) (aa) (I) Employees on the Law Enforcement (LES) pay schedule employed in a continuous operation as described above who commenced employment prior to July 1, 2004, leaving City service shall be entitled to receive at such time, separation payment of continuous operation holiday balance on December 31, 2004, which has not been used or sold back prior to leaving City employment, unless the balance was less than two times the amount of their holiday leave accrual in a twelve month period. In such case, the higher of the two amounts shall determine the payout maximum.

(II) If the accrued balance amount described in subsection (aa)(I) above is greater than the accrual maximum amounts set out in the subsection (bb) below for the employee's position, such balance amount shall also become the employee's maximum continuous operation holiday leave accrual amount allowed at the end of each subsequent calendar year. If the accrued balance amount described in subsection (aa)(I) above is less than the said subsection (bb) amount, the employee may accrue hours up to the maximum for his position as set out in subsection (bb) below.

(III) Said accrued leave for employees hired prior to July 1, 2004, as described in subsection (aa)(I) above, over the balance amount described in subsection (bb) below for the employee's job position shall be paid at time of separation at the employee's base rate of pay for his or her job position as of

December 31, 2004. Base rate of pay is defined as the pay for the employee's regular position, which excludes out-of-title or temporary appointment pay.

(bb) Employees on the LES schedule hired on or after July 1, 2004 shall be entitled to receive payment at time of separation payment for such continuous operation holiday leave up to their accrual maximum amounts described in this subsection (c) above (144 hours if employed in a job position on a 8-hour day, 40 hours per week schedule or 180 hours if employed in a job position on a 10-hour day, 40 hours per week schedule).

(cc) All employees on the Law Enforcement (LES) pay schedule employed in a continuous operation as described above who have accrued such leave in an amount greater than their respective accrual maximum amounts described in this subsection (c)(4)(aa)(1) or (bb) above shall be required to take any such excess leave earned within 12 months of when the leave was earned. The Police Chief, or his designee, shall be responsible for insuring such hours are taken or scheduled off prior to the end of each calendar year.

(dd) Any sell back by an LES employee of any continuous operation holiday leave on or after January 1, 2005, shall also reduce the employee's maximum accrual amount to be paid at time of separation by the amount of such hours sold back. For employees hired prior to July 1, 2004, any such sell back on or after January 1, 2005, shall be paid at the employee's base rate of pay for his or her job positions of January 1, 2005.

(d) Absence on account of sickness, injury or disability, in excess of that hereafter authorized for such purposes, may be charged against vacation leave allowance.

(e) Each Department Head shall keep records of vacation leave allowance and use and shall schedule vacation leaves with particular regard to the seniority of the employees, to accord with operating requirements and, insofar as possible, with the requests of the employees.

(f) When a regularly scheduled holiday occurs during the period of an employee's vacation an additional day of vacation shall be granted. This provision shall not apply to those employees who are granted additional vacation to compensate them for loss of holidays.

(g) Vacation leave credit, as provided in this section, may be carried from one year to the next upon recommendation of the Department Head and approval of the Director of

Human Resources. All employees hired after July 10, 1995 may accumulate a maximum of two times the amount of vacation accruable in a twelve month period, computed at the employee's current vacation accrual rate, provided however, any vacation earned but not used, which exceeds this rate, shall be forfeited by the employees.

(h) Accumulation of vacation leave for employees hired after July 10, 1995.

The City Manager is authorized to promulgate a policy for employees hired on or before July 10, 1995 to reduce the City's liability for accumulated vacation, including annual leave accumulated in lieu of scheduled holidays under subsection 21.1(c). Such plan shall include a buy back provision for a portion of vacation and be contingent upon availability of funding. The policy shall condition the buy-back on employee willingness to forgo accumulated vacation and annual leave accumulated in lieu of scheduled holidays above the reduced balance, and agreement to such other conditions as the City Manager's written policy may prescribe.

21.2 Sick Leave

(a) Regular employees who work a 40-hour week shall earn sick leave credit at the rate of 96 hours per year. Fire Department employees on 24-hour shift shall earn sick leave credit at the rate of 144 hours per year. Regular part-time employees shall earn sick leave credit on the basis of actual time worked or in the case of part-time salaried employees on the basis of the percentage of full-time pay provided. Unused sick leave may be accumulated up to a maximum of 1440 hours for 40-hour employees, fractional part thereof determined by hours of work per week for part-time employees, and 2,160 hours for Fire Department employees on 24-hour shift assignment.

Notwithstanding the foregoing, employees who separate from the City's service, eligible to receive payment for unused sick leave under Merit Rule 12.10, shall be limited to a maximum credit of 960 hours accumulated sick leave for 40-hour employees, and 1,440 hours accumulated sick leave for Fire Department employees on 24-hour shift assignment.

(b) Employees absent from work on legal holidays, during sick leave, vacation, for disability arising from injuries sustained in the course of their employment, for all authorized leaves of absence with pay, and for authorized leaves without pay for not over 10 days in any one calendar year, shall continue to accumulate sick leave at the regularly prescribed rate during such absences as though they were on duty, subject to the maximum limitation herein provided.

(c.1) An employee eligible for sick leave with pay shall use such sick leave for absence due to illness, injury, preventive health (such as doctor or dentist appointments), or other medical needs, for the employee or his eligible family member. An eligible family member is the employee's spouse, children or parent. Sick leave shall not be used simultaneously with authorized time off for a duty-connected injury.

(c.2) The Department Head shall have the right to require an employee who has informed him of the employee's non-duty connected injury or disability and who continues to work to obtain a doctor's certificate that the employee is capable of performing the tasks required of the employee without danger to the employee's health or, in the case of a pregnant female, without danger to the employee's health and the fetus' health when the Department Head has reason to believe that the employee's job performance is being affected by the employee's condition. If the employee cannot provide said certificate within a reasonable time, the Department Head can require the employee to take the accrued rights provided by these rules and regulations and, upon the employee's refusal to do so, may seek the dismissal of the employee.

(c.3) Deleted (c.3) by revision of Rule 21.2(c.1) G.O. 6101.

(d) Deleted (d) by revision of Rule 12.7 G.O. 2904.

(e) An employee who is absent due to personal sickness or that of a family member shall inform his immediate supervisor prior to the start of the employee's regular scheduled shift whenever possible. When this is not possible, the employee shall notify his supervisor as soon as possible. Failure to comply with the above guidelines shall be cause for denial of pay for the period of absence. The Department Head shall require a doctor's certificate before approving sick leave with pay of five days or more and may require a certificate in any case.

(f) In the event of sickness of more than two days in the last two calendar weeks of employment with the City, the employee shall provide to the Human Resources Department a physician's statement verifying such illness.

(g) No paid sick leave shall be allowed for an injury incurred while working as an employee for the City, as an independent contractor, as an agent or while engaging in activities for which remuneration may reasonably be expected or intended other than maintenance of the employee's

residence and the normal maintenance of the grounds therewith or the maintenance of personal property not acquired for resale.

(h) Any employee who is laid off, granted leave of absence without pay or terminates employment under creditable circumstances and is later reinstated within one year, shall have available upon his return such unused sick leave allowance as he may have earned up to the time of his absence.

(i) Illness or injury occurring while an employee is on vacation shall not be charged to sick leave but shall remain as vacation.

(j) A regular employee in the Fire or Police Department is entitled to sick leave up to a maximum of two calendar months for contracting hepatitis, mononucleosis or tuberculosis as a result of giving mouth-to-mouth resuscitation in the normal performance of the employee's job, which sick leave shall not be charged against any accumulated sick leave of the employee. The employee shall have the burden of proof by showing beyond a reasonable doubt that the employee contracted the disease as a result of giving mouth-to-mouth resuscitation in the normal performance of his Fire or Police Department duties.

21.2.1 Sick Leave Redemption

(a) Any regular employee having an accrued sick leave balance of over 720 hours, or any Fire Department employee on a 24-hour shift with an accrued sick leave balance of over 1,080 hours, may request the City redeem from the employee an amount of not less than 8 hours, but not more than 54 hours of sick leave per year (maximum of 75 hours for Fire Department employees on a 24-hour shift). Employees starting work on or after July 1, 1998, may request a minimum redemption amount of 8 hours but not to exceed an amount of 16 hours per year (not less than 12 hours nor more than 24 hours for Fire Department employees on 24-hour shifts). Such requests are subject to the other conditions stated in this Rule.

(b) To be eligible to request redemption, the employee must have used no more than 5 days (40 hours) of personal sick leave during the 12 months prior to the request. The request also must not reduce the employee's remaining accrued personal sick leave balance below 720 hours (1,080 hours for 24-hour shift Fire Department employees). Eligible employees may not have more than one redemption request granted in a given fiscal year.

(c) The employee will be paid seventy-five percent (75%) of his hourly pay rate at the time of the redemption request for each of the hours redeemed, and his accrued sick leave balance will be reduced by the number of hours redeemed. The employee's maximum number of unused sick leave hours he may accumulate under the first paragraph of merit Rule 21.2(a) shall also be reduced by the number of sick leave hours the employee has redeemed.

(d) For employees starting work before July 1, 1998, the redemption of hours under this Rule shall not affect their ability to receive payment for unused sick leave upon separation from City service under Merit Rule 12.10, except to the extent that any redeemed hours under this Rule reduce the employee's remaining total number of accrued sick leave hours below the maximum number of hours stated in the second paragraph of Merit Rule 21.2(a), which may be credited in the payment calculation.

(e) This sick leave redemption program shall be conditioned upon the continued availability of funds appropriated for this purpose, and may be suspended or discontinued at any time by the City Manager without prior notice.

21.3 (Repealed by G.O.6149)

21.4 Military Induction Leave

(a) Entering Service

Regular employees entering the active military service of the United States on either a voluntary or involuntary basis under competent authority shall be granted a leave of absence without pay for a period up to ninety (90) days beyond the completion of military service dependent upon the length of such military service. Employees may elect paid leave, at their option, and use any available hours from their vacation leave, scheduled holidays, floating holidays or compensatory leave time balances accrued prior to going on leave without pay.

(b) Return of Employee from Military Induction Leave

At or prior to the expiration of the military leave of absence, each regular employee shall inform his supervisor of his willingness and ability to return to City employment and produce evidence of his honorable release from military service. Notice to return by the employee and his reemployment must occur within the deadlines specified by the Uniformed Services Employment and Reemployment Rights Act (USERRA). The employee’s department head shall submit written notification of his return to the Director of Human Resources. Rate of pay upon reemployment shall be established in accordance with Rule 18.1(c). In the event of the

reinstatement of an employee who has been on military induction leave he shall be given the position which he would have been employed in if City employment had not been interrupted by military service as long as he is qualified for such position. Otherwise, reemployment shall be in accordance with the procedures prescribed by the USERRA.

(c) Definitions

The term "military services", as used herein, shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, Army National Guard, Air National Guard, and the United States Public Health Service commissioned corps as well as the reserve components of each of these services and any other category of persons designated by the President of the United States in time of war or emergency.

The term “service in the military services” includes active duty, active duty for training, initial active duty for training, inactive duty training, full time National Guard duty and the period for which a person is absent for the purposes of an examination to determine his fitness to perform any such duty.

21.5 Military Training Leave

All officers and regular employees of the City who are or may become members of the National Guard or of any reserve component of the Armed Forces of the United States, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of the State of Missouri at the call of the Governor and as ordered by the Adjutant General and for all periods of military services during which they are engaged in the performance of duty, in the service of the United States under competent orders for a period not to exceed a total of one hundred twenty hours in any federal fiscal year. Before any payment of salary is made covering the period of leave, the officer or the employee shall file with the Director an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted, which order shall contain the certification of the officer or employee's commanding officer of performance of duty in accordance with the terms of such order. No member of the organized militia shall be discharged from employment by the City because of being a member of the organized militia, nor shall he be hindered or prevented from performing any military service he may be called upon to perform by proper authority nor otherwise be discriminated against or dissuaded from enlisting or continuing his service in the militia by threat or injury to him in respect to his employment. Any employee entitled to military leave pursuant

to this Merit Rule shall only be charged military leave for any hours for which that person would otherwise have been required to work had it not been for such military leave. The minimum charge for military leave shall be one hour and additional charges for military leave shall be in multiples of the minimum charge.

21.6 Special Leave

(a) In addition to leaves authorized above, a Department Head may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten (10) work days in any calendar year.

(b) The appropriate Department Head, with approval of the City Manager, may authorize special leaves of absence with pay not to exceed four (4) months or without pay not to exceed twelve (12) months in any one (1) calendar year for the following purposes:

Attendance at college, university or business school for the purpose of training in subjects related to the work of the employee and which will benefit the employee and the City service; urgent personal business requiring employee's attention for an extended period such as settling estates, liquidating a business, serving on a jury and attending court as a witness, and for purposes other than the above that are deemed beneficial to the City service.

(c) The City Manager, with the approval of the City Council, upon the recommendation of the appropriate Department Head may grant leaves of absence, with or without pay, in excess of the limitations above for the purposes of attending extended courses of training at a recognized university or college and for other purposes that are deemed beneficial to the City service.

21.7 Funeral Leave--PAT, CTL, LES, and FPS Schedules

An employee in the Professional, Administrative and Technical Schedule, the Crafts, Trades and Labor Schedule, the Law Enforcement Schedule or the Fire Protection Schedule may be granted up to three (3) working days leave as needed in the event of death of spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandchildren, step-parents, or any relative residing permanently with and dependent upon said employee. Fire employees on alternating shifts shall be allowed up to two 24-hour shifts under this provision. Employees may be granted up to one (1) day per year or up to an additional one-half shift per year for employees on 24-hour shifts as funeral leave in the event of the death of a spouse's grandmother or grandfather. In the event the additional one-half shift is requested, fire employees on alternating shifts, may elect to utilize

other eligible leave accruals for the remaining one-half shift. Employees may be granted up to four (4) hours leave per year to act as a pallbearer for a person who was a City employee at the time of his death, except that such leave shall not be granted to honorary pallbearers nor to more than six (6) employees at any one time, and may only be granted once a year. Funeral leave when authorized pursuant to this paragraph, shall not be deducted from either sick leave or any other authorized leave. The City Manager, or his designee, may, in his discretion, also approve funeral leave requests for employees, within the guidelines stated above, in the event of the death of other relatives or relations not listed above.

Requests for funeral leave for relatives or relations not listed above shall be communicated by supervisory personnel to the employee's department head for consideration the same or first business day possible following the request. The department head shall communicate the request with recommendation for approval or disapproval to the City Manager or his designee the same or next business day. The employee shall be notified of the City Manager's or his designee's decision as soon as possible. In the event an employee elects to use accrued leave (vacation, floating holidays, etc.) for the funeral prior to a final decision being reached, such leave shall be changed to funeral leave upon approval of the request and leave balances shall be adjusted accordingly.

21.8 Jury Leave

An employee may be granted leave with pay when required to be absent from work for jury duty.

21.9 Absence Without Leave

An employee who is absent from duty shall report the reason therefor to his supervisor prior to the start of the employee's regular scheduled shift whenever possible. When this is not possible, the employee shall notify his supervisor within 30 minutes from the start of his regular scheduled shift except in situations when an emergency occurs, in which case the employee shall notify his supervisor as soon as possible. Unauthorized and/or unreported absences shall be absence without leave and deduction of pay shall be made for the period of absence.

21.10 Emergency Conditions

In the event the City Manager, or designee, declares an emergency condition day or period, any non-exempt employee who works on such declared day or period of time, shall be paid the first two (2) hours of their normal shift as guaranteed overtime.

21.11 Vacation Leave Transfer Program

The City Manager is hereby granted the authority to promulgate all necessary rules and regulations to develop and maintain a Care Leave Program whereby City employees may donate personal accrued leave time to a pool for the benefit of fellow employees who have exhausted all leave accruals but are in need of paid time off from work because of non-work-related illness or injury.

RULE 22 - EMPLOYEE'S INJURIES AND DISABILITIES

22.1 Adoption of Workers' Compensation Law

Employees, regardless of status, shall be entitled to Workers' Compensation in accordance with Chapter 287 Revised Missouri Statutes as amended. When an injury arises out of and in the course of employment, it shall be the duty of the employee to report the injury to the immediate supervisor the same day as the accident, whenever possible. All benefits, including Workers' Compensation benefits, listed within Merit Rule 22 that are beyond the requirements of Chapter 287 Revised Missouri Statutes as amended shall only apply to employees in regular status.

22.2 Disability Pay

An employee, regardless of status, who is off work due to an injury determined to be eligible for benefits under Workers' Compensation shall receive, during the healing period two-thirds (2/3) of his average weekly wage in the form of non-taxable income, after the three-day waiting period, to be paid directly by the City's Workers' Compensation Third Party Administrator and in accordance with Missouri State Statute. Regular status employees, who have not reached maximum medical improvement, shall receive make-up pay, paid directly by the City, for a period not to exceed twenty-six (26) weeks, so that such employee draws the usual net pay during the healing period for injuries eligible for benefits under Workers' Compensation.

22.3 Payment of Health and Medical Insurance When Disabled

The City will pay the premium for the employee's health care coverage as authorized under Rule 25.1 and Rule 25.2, when the employee is off work due to an injury eligible for benefits under Workers' Compensation or other injury on the job covered by Rule 22.4, until the employee has recovered and returned to work or until the employment relationship is terminated with the City, whichever occurs first.

22.4 Injuries - Not Covered by Workers' Compensation

An employee who is injured on the job as a direct result of occupational duties when such injury is not covered by Workers' Compensation shall be entitled to the following benefits:

(a) A regular status employee who is off work due to such injury may receive, during the healing period, pay for a period not to exceed twenty-six (26) weeks so that such an employee draws the usual net pay.

(b) In the event the City's health insurance plan does not cover all hospital, doctors and medical expenses resulting from such injury, the City shall reimburse the employee for such expenses up to an amount of $2,000.00 for any such injury for a period of one (1) year from the date of the injury. Such payments may be made without City Council approval under provisions set forth herein. Any payments in excess of $2,000.00 may be authorized if such payments are approved by City Council.

22.5 Life Insurance - Bomb Squad, Water Rescue, and Hazardous Materials Teams

The City shall purchase as part of the regular compensation for each Fire Department employee who is a member of the Bomb Squad, Water Rescue, or Hazardous Materials Teams, a life insurance policy in the amount of not less than Fifty Thousand Dollars ($50,000) and not more than One Hundred Thousand Dollars ($100,000) to cover the employee while engaged in their assigned duties; provided, however, in no event shall the City be legally liable to the employee, his heirs or any other person in the event such insurance cannot be purchased or in the event such insurance is not in full force and effect for any reason whatsoever. Employees shall designate in writing the beneficiaries to be shown on the policy.

RULE 23 – MAINTENANCE OF THE CLASSIFICATION AND COMPENSATION PLANS

23.1 Responsibilities of the Director of Human Resources

The Director of Human Resources shall be responsible for the maintenance of the Classification and Compensation Plans, including but not limited to the allocation of new or changed positions, the determination of proper compensation rates within the provisions of the plans, maintenance of up-to-date class specifications, class lists and allocation records, and the preparation of

recommendations to the City Manager on revisions to the plans on the basis of changes in duties of positions and in prevailing rates of pay for comparable occupations outside the City service.

23.2 Employee Requests for Classification and Pay Adjustments

Any employee shall have the right to the consideration of any request he may have with respect to the application of the Classification and Compensation Plans to his position. The employee shall initially make his request through his supervisor or to the Department Head who shall promptly seek to arrive at a solution which is consistent with the Plans and acceptable to the employee. Where the Department Head is unable to resolve such a request in the manner that the employee is willing to accept in writing, the matter shall then be submitted to the Director of Human Resources for a solution which is consistent with the Plans. In case the employee's request is justified and cannot be so resolved, such request, with the recommendation of the Director of Human Resources, shall be submitted for consideration and action by the City Manager.

RULE 24 - SPECIAL ALLOWANCE

24.1 Clothing Allowance Authorized

In addition to any other compensation authorized by the ordinances of the City, the City may pay a clothing allowance annually in an amount to be determined administratively by the City Manager, not to exceed $1,500 per individual in a calendar year for selected classifications and specific positions as determined necessary by the City Manager for clothing necessary to perform the employee's duties. Employees shall not be entitled to a clothing allowance except in accordance with written rules which are approved and adopted by the City Manager. These rules may also authorize Police Recruits participating in both the Police Academy and the Police Field Training Program to be paid an additional amount up to the actual costs of the uniforms required under both programs, if greater than the maximum amount stated above.

24.2 Allowances for the Use of Privately Owned Vehicles on City Business

Employees using their private vehicles in the conduct of City business shall receive such payments to cover depreciation, liability, insurance, tires, gasoline, oil, anti-freeze, repairs, etc., as provided by reasonable regulations established by the City Manager. In lieu of the above, the City Manager may, in his discretion, grant to the Assistant City Manager and Department Heads or those in equivalent positions, a monthly mileage allowance not to exceed Four Hundred and Thirty Dollars ($430.00), which may be paid in whole or in part in a lump sum on an annual

basis at the discretion of the City Manager or controlling administrative board. The City Manager shall also receive the mileage allowance authorized herein.

24.3 Allowances for Loss of Personal Belongings in Service-Connected Accident

When an employee suffers the damage or loss of wearing apparel or other personal effects necessary to the performance of his duty, as the result of service-connected accidents, he shall immediately report same on an accident report form. Determination regarding payment for costs incurred as a result of such accident shall be made by the Director of Human Resources on advice of the Department Head, after consultation with the City Attorney and City Manager as appropriate.

24.4 Deferred Incentive Plan

The City of Springfield will contribute a maximum of Ten Dollars ($10.00) per payroll period to the deferred compensation fund in equal match for any full-time or part-time regular or contractual employee who is making a contribution to the deferred compensation fund of at least Six Dollars per payroll period. The deferred compensation incentive program provided herein shall commence on the first full payroll period after July 1, 2000. Employees not currently participating in the match program, to receive the City matching contribution, must establish and maintain a minimum contribution to the plan, which shall be equal to the maximum City matching contribution described above, as said City contribution may be amended from time to time.

24.5 Allowance for Commissioned Police Employees Residing in CDBG Areas

(a) Sworn and commissioned members of the Police Department may receive an additional amount in gross compensation, as set out in subsection (b) below, provided funds have been appropriated and made available for this purpose by the City Council in its budget for any given fiscal year, for any full month in which they principally reside in a residence the member either owns or rents within a designated Community Development Block Grant (CDBG) area inside the Springfield city limits after the effective date of this Rule. The City Manager may institute rules, conditions and other related policies as he may determine to be necessary to implement and administer this allowance, which he may amend at any time, without prior notice, in his discretion.

(b) The amounts are as follows:

(1) For employees already residing in an owned or leased residence within a CDBG area as of the effective date of this Rule: $100 per month

(2) For employees moving into a residence they have leased within a CDBG area after the effective date of this Rule: $100 per month

(3) For employees moving into a residence they have purchased within a CDBG area after the effective date of this Rule: $150 per month

(c) (1) Employees receiving the allowance shall sign an agreement on a form to be provided by the City acknowledging and consenting to the terms and conditions of the allowance, and shall keep the Chief of Police and the Director of Human Resources advised of their current residence address. Employees receiving this allowance shall also immediately notify the Chief and the Director of any change in their residence, including a change in residence to a location outside of the CDBG area.

(2) Should the designated CDBG area(s) change in the future such that residences of employees receiving the allowance are no longer within a CDBG area, such employees shall continue to receive the allowance for so long as they continue to reside at that same location. However, if the employee moves from that location, the allowance shall be discontinued unless the employee's new residence is also within a CDBG area at the time of the employee's move.

(3) Failure of the employee to follow these requirements and the other terms and conditions of the program may result in the discontinuance of the employee's receipt of any future payments under the program, and in possible disciplinary action under these Merit Rules. The employee shall also be required to reimburse the City for any allowance amounts paid to the employee for which he was not eligible.

24.6 Communications Allowance

The City Manager, or his designee, is hereby authorized to approve a Communications Allowance of up to $70 per month for those personnel deemed by Management be appropriate personnel for the receipt of a Communication Allowance. The allowance shall be set annually by an Administrative Memo published on or before July 1, of the new fiscal year.

RULE 25 - HEALTH AND MEDICAL BENEFITS

25.1 City Health Care Plan

(a) Plan Established

There is hereby established a City Health Care Plan, hereinafter called the "Plan", for eligible employees and dependents as defined in the Plan. The Plan is described in a benefit plan document entitled “City of Springfield Group Health Plan”, Exhibit 1. Member eligibility is defined and determined in the benefit plan document.

(b) Enrollment

(1) The City shall enroll each of its eligible employees in the Plan and shall contribute to the Plan as set forth by ordinance or administrative action, which shall be credited to an account established therefor. The City hereby declares that the contribution is the amount necessary to pay for the benefits and all costs of the Plan including administration thereof for such employees, unless otherwise established.

Eligible employees may enroll their eligible dependents as defined in the Plan in accordance with the procedures set forth therein by authorizing a payroll deduction from the employee's check.

The amounts charged monthly for all eligible dependents are hereby declared to be the amounts necessary to pay for the claims and all costs of the Plan including administration thereof for such dependents, unless otherwise established.

The City Council may change the terms and conditions of the Plan but such change shall not affect prior claims that have been made, nor shall any such changes be effective sooner than thirty (30) days after the City Council action unless specifically provided otherwise in the amending ordinance. Subject to the availability of funds for this purpose, the City Manager may also administratively make changes to the Plan, which have been recommended by the Health Insurance Committee, including but not limited to items set out in this subsection (2) below, contributions, deductibles, copayments, scope of coverage or benefits, or as necessary to bring the Plan into compliance with changes with state or federal law, without prior Council approval. Any change which has not been recommended by the Health Insurance Committee and been approved by the City Manager shall require prior City Council approval. A current copy of the Plan and all such changes shall be kept on file with the City Clerk, the Director of Finance, and the Director of Human Resources.

(2) a. For the purposes of establishing and maintaining a sufficient reserve for the payment of claims and expenses associated with the Plan, subject to the availability of funds for this purpose, in addition to any other contribution changes which may be approved by City Council or the City Manager, the City Manager may administratively authorize and implement increases in the contribution rates and premiums set out in Chapter 2 of the Springfield City Code, Section 2-91, Rule 25.1, City Health Care Plan, Exhibit 2, Contribution Rates; each increase in an amount up to three percent (3%) per year over the contribution and premium amounts in effect at the time of implementation, commencing with the payment of the contribution payments for coverage for the month of July, 2006, and continuing thereafter except as provided below.

b. The authority to authorize and implement such annual increases shall continue, with each subsequent annual increase to be effective with the payment of the contribution payments for coverage for the month of July for said year, except that the authority to implement any such annual increase as described in (2) a. above shall be suspended in the event the total fund balance amount calculated for the immediately prior month of March equals or exceeds the average amount of six months of Plan claims for the twelve-month period ending with the said month of March.

c. In the event of any such suspension of authority as described in (2) b. above, no contribution increase previously implemented shall be discontinued because of such suspension. Further, such authority shall automatically reinstate or continue in the event the total fund balance amount as of the month of any subsequent March is less than the total average amount of 6 months of Plan claims, for the said 12-month period ending with such month of March.

(3) In addition to the contribution increase referenced in Section (2), each of the contribution rates contained on the said new Exhibit 2 shall also be annually increased in the amount of two percent (2%) over the rates then in effect, effective with the payment of the contribution for coverage for the month of January, 2008, and subsequently upon the effective date of the payment of the contribution for the month of January for each year thereafter. The City Manager shall have the authority to reduce or suspend the implementation of any annual increase prescribed in this Section (2) by the preceding November 30 immediately prior to the said next increase, if in his discretion, the annual increase prescribed in this Section (2) for that year is not necessary for the continued financial stability of the Plan. The City Manager shall have no authority to rescind or discontinue any increase under this Section (2) previously implemented.

(c) Plan Administration

All claims shall be paid in accordance with the Plan. The City Manager is authorized to enter into contracts from time to time for such services as may be necessary to effectuate the purposes of this Plan and to administer this Plan, including but not limited to a contract for the administration of the Plan itself, as long as there have been moneys previously approved and budgeted therefor.

The Director of Finance (hereinafter called "Director") is authorized and directed to establish a separate City account and to credit thereto all payments made by or on behalf of all enrollees in the Plan and all refunds, insurance proceeds and proceeds of claims recovered by the City on behalf of the Plan shall be paid to and credited to said account.

The Director shall invest said proceeds in said account in accordance with the investment policy of the City. Proceeds credited to said account shall be held in trust by the Director to pay claims made under the Plan and to pay all costs related directly or indirectly to the Plan including administration thereof.

The Director shall act as a trustee with respect to the Plan and its proceeds and shall oversee the administration of the Plan. All interest earned on the funds of the Plan shall be credited to said account and shall be treated as proceeds thereof.

(d) Claims Procedure

All claims for payment of benefits shall be made in accordance with the procedures set forth under the Plan.

25.2 Police and Fire Departments Health Insurance Plan; Coverage of County Emergency 911 Employees Transferring to the City

By General Ordinance No. 4562, passed October 16, 1995, employees and retirees of the Fire Department who were members of the International Association of Firefighters Local #152 and formerly covered by health insurance offered through that organization were included within coverage offered under the City Health Care Plan. Effective January 1, 2001, pursuant to City Ordinance and agreements negotiated between the City Manager on behalf of the City and the Springfield Police Officers Association (SPOA), employees and retirees of the Police Department who are members of the SPOA and previously covered by health insurance offered through that organization will also be included within the coverage offered under the City Health Care Plan. Employees formerly employed by Greene County, Missouri in its County 911 Center

who become City employees pursuant to the Amendment to the Intergovernmental Agreement between the City of Springfield, Greene County, Missouri, and the City of Republic, Missouri of February 3, 1997, approved by the City in Special Ordinance No. 24131, passed December 17, 2001, will also be included within the coverage offered under the City Health Care Plan upon the commencement of their City employment.

By General Ordinance No. 6269, the City terminated Retiree health care coverage for Non-Medicare Retirees and Medicare eligible retirees on December 31, 2016 and December 31, 2017, respectively.

In the event of a default in the performance by the Springfield Police Officers Association of the terms and conditions of the agreement between the Association and the City providing for the inclusion of the Association members and retirees into the Plan, referenced in the ordinance enacting this paragraph, and incorporated herein by reference, the City may take action as necessary to collect said unpaid balance, including both principal and accrued interest, including but not limited to the withholding of an amount not to exceed $25.00 per pay period from the regular pay compensation otherwise due from the City to each present and future Police Department employee added to the coverage of the City Employee Health Care Plan by this amendment to the Plan while such unpaid balance is owing, and applying such withheld amounts from each covered employee's compensation to the unpaid balance until said balance is satisfied.

25.3 Additional Coverage

Nothing herein shall be taken to prohibit individual employees from contributing additional sums to the insurers to provide additional or other health and medical coverages. In accordance with previous policies of the City, the City will withhold, upon authorization of the employee, from his wages such additional sums making payment to the insurers on his behalf for such additional coverage.

25.4 Cafeteria Plan

(a) Introduction

Purpose of Plan - The purpose of this Plan is to provide employees of the City of Springfield a choice between cash and statutory nontaxable benefits under the Dependent Care Assistance Plan, Medical Reimbursement Plan, Life Insurance Plans, Health Care Plans, and Cancer Insurance Plans maintained by the City of Springfield. The terms and conditions of these Plans are hereby incorporated by reference.

Amendment of Plan - The City reserves the power at any time or times to amend the provisions of the Plan to any extent and in any manner that it may deem advisable, by a written instrument signed by the City Manager for the City of Springfield, Missouri.

(b) Participation

An eligible employee will become a participant on the date he elects to participate. An employee must elect to participate within 30 days after becoming eligible to participate or within 30 days prior to the commencement of the Plan year.

Approximately 30 days prior to the commencement of each Plan year, the Administrator shall provide one or more written election forms and compensation reduction agreements to each participant and to each other employee who is expected to become a participant at the beginning of the Plan year. Each participant who desires one or more optional benefit coverages for the Plan year shall so specify on the appropriate election form or forms and shall agree to a reduction in his compensation. The amount of the reduction in the participant's compensation for the Plan year for each optional benefit that is elected by the participant shall equal the participant's share of the cost of each optional benefit elected by the participant and shall be adjusted automatically in the event of a change in such cost. The amount of the reduction in the participant's compensation for the Plan year for the optional benefit shall be the amount elected by the participant, subject to the limitations of the Dependent Care Assistance Plan. Each election form must be completed and returned to the Administrator on or before such date as the Administrator shall specify, which date shall be no later than one week prior to the beginning of the first pay period for which the Participant's compensation reduction agreement will apply.

(c) Administrator

The administration of the Plan shall be under the supervision of the Administrator. The person or entity serving as Administrator shall be appointed by the City Manager. It shall be a principal duty of the Administrator to see that the Plan is carried out, in accordance with its terms, for the exclusive benefit of persons entitled to participate in the Plan without discrimination among them. The Administrator will have full power to administer the Plan in all of its details, subject to applicable requirements of law. For this purpose, the Administrator's powers will include, but will not be limited to, the following authority, in addition to all other powers provided by this Plan:

(1) To make and enforce such rules and regulations as it deems necessary or proper for the efficient administration of the Plan, including the establishment of any claims procedures that may be required by applicable provisions of law;
(2) To interpret the Plan, its interpretation thereof in good faith to be final and conclusive on all persons claiming benefits under the Plan;
(3) To decide all questions concerning the Plan and the eligibility of any person to participate in the Plan;
(4) To appoint such agents, counsel, accountants, consultants and other persons as may be required to assist in administering the Plan; and,
(5) To allocate and delegate its responsibilities under the Plan and to designate other persons to carry out any of its responsibilities under the Plan, any such allocation, delegation or designation to be in writing.

Notwithstanding the foregoing, any claim which arises under the Dependent Care Assistance Plan, Life Insurance Plans, Cancer Insurance Plans or any of the Health Care Plans shall not be subject to review under this Plan, and the Administrator's authority under this Section 5.1 shall not extend to any matter as to which an administrator under any such other plan is empowered to make determinations under such plan.

Changes by Administrator - If the Administrator determines, before or during any Plan year, that the Plan may fail to satisfy for such Plan year any nondiscrimination requirement imposed by the Code Section 125 or any limitations on benefits provided to Highly Compensated Employees or Key Employees, the Administrator shall take such action as the Administrator deems appropriate under rules uniformly applicable to similarly situated participants, to assure compliance with such requirement or limitation. Such action may include with limitation, a modification of elections by Highly Compensated Employees or Key Employees with or without the consent of such employees.

RULE 26 - SUBSTANCE ABUSE POLICY

26.1 Alcohol & Controlled Substance Testing Policy

It is the policy of the City of Springfield to provide safe, dependable, and quality services to its citizens, to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City of Springfield to provide healthy and satisfying working environments for its employees.

It is the policy of the City of Springfield to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work environment free from the adverse effect of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

26.2 Purpose

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the misuse of alcohol and controlled substances. It is also the purpose of this policy to comply with applicable federal and state regulations governing work place alcohol and controlled substance abuse programs mandated under above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for DOT/Safety-sensitive positions and prevent performance of DOT/Safety-sensitive functions when there is a positive test result. Federal law has also established standards for the collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting requirements. These standards will apply to all tested employees.

In an effort to ensure a drug free work place, employees hired after January 1, 1999, will, as a condition of accepting employment, be required by the City of Springfield to comply with the applicable sections of this policy including: pre-employment testing for controlled substances and reasonable suspicion testing for both alcohol and controlled substances.

Additionally, all employees in DOT/Safety-sensitive positions, regardless of their date of hire, will, as a condition of accepting employment, transfer, promotion, or demotion, be required by the City of Springfield to comply with all sections of this policy including: pre-employment, post-accident, reasonable suspicion, return to work, and follow-up testing for both alcohol and controlled substances.

26.3 Applicability

This policy applies to all employees and/or applicants who apply for employment with the City of Springfield. Certain testing provisions covered under this policy apply specifically to employees and volunteers in DOT/Safety-sensitive positions who perform DOT/Safety-sensitive

functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act of 1991, and its implementing regulations, including, but not limited to, persons who are required to possess a Commercial Drivers License (CDL) license for the operation of a commercial vehicle. All testing provisions covered under this policy apply to employees of the City of Springfield who desire to work in an out-of-title capacity in a position which requires a CDL license for the operation of a commercial vehicle.

Additionally, all contractors of the City of Springfield shall be required to state in writing that they comply with the provisions of the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991, and its implementing regulations, as a condition of the award and/or while engaged in services for the City of Springfield.

26.4 Definitions

(a) Commercial vehicle - a motor vehicle designed or used to transport passengers or property: (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one pounds or more; (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds or such lesser rating as determined by federal regulations; (c) If the vehicle is designed to transport more than fifteen passengers, including driver; or (d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act.

(b) DOT/Safety-sensitive positions - those positions (paid or unpaid) whose requirements and activities are defined in the Omnibus Transportation Employee Testing Act of 1991, and its implementing regulations, including but not limited to persons who are required to possess a CDL license for the operation of a commercial vehicle. The City of Springfield requires compliance with CDL licensure and alcohol and controlled substance testing regardless of the location where the equipment is being operated.

(c) Out-of-Title – an employee who is not regularly assigned to a position, but is temporarily working in a capacity other than his regularly assigned position. For purposes of this policy, employees who are working "out-of-title" in a DOT/Safety-sensitive function must comply with all requirements of the Omnibus Transportation Employee Testing Act of 1991 including, but not limited to, random drug testing, post-accident testing, etc.

(d) Rehabilitation – employees are allowed a one-time rehabilitation option during their employment with the City of Springfield. Employees must invoke their one-time option prior to submitting a specimen for random testing. The rehabilitation option does not apply to reasonable suspicion or post-accident testing for alcohol or controlled substances. Employees who utilize their rehabilitation option must do so prior to submitting a specimen for the randomly ordered test. By electing this option, the employee is refusing to submit to the ordered test and will be treated as a positive test result in compliance with federal and state law. Employees who elect to utilize this option will be required to submit to return to work and follow-up testing as outlined in this policy.

(e) Direct Observation – employees may be required to provide a urine sample while observed by an employee of the collection site. Any direct observation will comply with 49CFR Subtitle A 40.67.

(f) Dilute Specimen – a specimen with Creatinine and specific gravity values lower than expected for human urine. A specimen that is below 20 for the substance Creatinine will undergo a specific gravity test. If the test produces a result outside the range of 1.003 and 1.019, it is considered a dilute specimen. Employees' whose tests is determined to be a dilute specimen will be required to retest until a valid positive or negative controlled substance test can be reported.

(g) Delay - any failure to immediately report to the test site to participate in the required testing under this policy.

(h) Adulterated Sample – a urine specimen that contains substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration level so high that it is not consistent with human urine. Any specimen determined to be an adulterated sample will be treated as a positive controlled substance test.

(i) Positive Alcohol or Controlled Substance Test – refers to an employee or applicant testing above the screening and confirmation test levels for alcohol, marijuana, cocaine, phencyclidine, amphetamines, or opiates.

(j) MRO - Medical Review Officer (See Contractual Support Professionals).

(k) SAP - Substance Abuse Professional (See Contractual Support Professional).

(l) Public Safety positions – shall include all positions within the following categories: 1.) law enforcement officers, 2.) firefighting personnel and 3.) emergency communications personnel.

(m) Public Health positions – shall include all health services positions in which the job duties require an employee to: Deliver or assist in the delivery of hands-on diagnosis or treatment of patients; operate, repair, maintain or sterilize equipment used in the delivery of health care services; prepare, dispense, stock or otherwise handle prescription drugs.

26.5 Policy Administrator

(a) The City Manager of the City of Springfield has designated the Human Resources Director as the alcohol and controlled substance policy administrator for the City of Springfield. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator and or his designee in writing, when possible. The Human Resources Director is the primary person responsible for implementation and administration of this policy, under the supervision of the City Manager.

(b) The policy administrator shall develop and maintain a current list of the positions that have been determined to be DOT/Safety-sensitive positions, which are governed by all sections of this policy. The position listing shall be available for inspection in the Human Resources office of the City of Springfield. Individuals applying for positions with the City of Springfield and affected employees shall be notified if the position that they apply for is defined as a DOT/Safety-sensitive position; and therefore, eligible for all testing provisions covered by this policy.

(c) The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

26.6 Alcohol & Controlled Substances Prohibitions

(a) An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work related functions for the following alcohol related conduct: (1) while consuming alcohol; (2) while having a blood alcohol concentration of 0.02 or greater; (3) within four (4) hours of consuming alcohol; (4) after refusing to submit to an alcohol test; and (5) from consuming alcohol within eight (8) hours after an accident as specified in this policy.

(b) An employee is prohibited from the unauthorized possession of alcohol while on duty. An employee is prohibited from the unauthorized possession or use of unauthorized controlled substances at any time, whether on or off duty.

(c) Any employee convicted of illegal conduct related to alcohol or controlled substances or who fails to report such a conviction to the policy administrator shall be subject to disciplinary action, up to and including termination of employment.

(d) Any employee whose job performance requires the possession of a valid CDL license and who loses the CDL license for a violation of, or as a consequence of, the law shall be subject to disciplinary action, up to and including termination from employment. The employee shall notify the policy administrator and the employee's immediate supervisor of the loss of the CDL license immediately after revocation or temporary suspension of their license. Failure to notify the policy administrator of the loss of the CDL shall result in disciplinary action, up to and including termination of employment.

(e) Any employee who is using a prescribed or authorized controlled substance which may inhibit or impair the employee's performance shall provide written notice to his/her supervisor and/or the policy administrator of such use upon returning to work and prior to engaging in any work related activity.

26.7 Alcohol & Controlled Substance Testing Provisions

Employees assigned to a DOT/Safety-sensitive position shall be subject to alcohol and controlled substances testing including the following types of tests: pre-employment testing, random testing, reasonable suspicion testing, post-accident testing, return to work testing, and follow-up testing.

Employees who are not assigned to a DOT/Safety-sensitive position are subject to alcohol and controlled substances testing including the following types of tests: pre-employment testing and reasonable suspicion testing.

(a) Pre Employment Testing

(1) Pre-employment urine drug testing shall be required of all applicants for all positions as a condition of employment, regardless of the status of the position. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in DOT/Safety-

sensitive functions. A positive alcohol or controlled substance test result disqualifies an applicant from appointment to employment for a period of at least two (2) years. Applicants must submit to a pre-employment urine drug test within twenty-four (24) hours of being ordered to test. Failure to submit to testing or failure to submit in a timely manner will result in the withdrawal of the City's conditional offer of employment. The applicant will be disqualified from further consideration for a period of two (2) years. Applicants who fail to test or who fail to submit in a timely manner for a second time will be permanently disqualified for consideration for employment with the City of Springfield. Any deviation from this practice must be documented and approved in writing by the policy administrator or designee.

(2) Employees of the City of Springfield who move via promotion, demotion or transfer from a non-DOT/Safety-sensitive position to a DOT/Safety-sensitive position, public health position, or public safety position must submit to a pre-employment controlled substance test before commencing employment in the DOT/Safety-sensitive position, public health position, or public safety position.

(3) Employees of the City of Springfield who move from a DOT/Safety-sensitive position to another DOT/Safety-sensitive position are not required to submit to a pre-employment controlled substance test before commencing employment in the new position.

(4) Any employee moving into a public safety or public health position regardless of their current position will be required to submit to a pre-employment controlled substance test, unless movement is the result of an inter-departmental movement.

(b) Reasonable Suspicion Testing

(1) Reasonable suspicion testing applies to all City of Springfield employees regardless of their status or position. Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that alcohol or a controlled substance use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referrals for testing shall be made on the basis of documented objective facts and circumstances consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of alcohol and controlled substance use and who may reasonably conclude that an employee may be adversely affected or impaired in the

employee's work performance due to the use of alcohol or controlled substances. The observing supervisor or manager, regardless of the direct reporting relationship with the affected employee, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing.

(2) All employees may be subject to testing following any type of accident if reasonable suspicion is determined, regardless of whether the accident meets the guidelines as noted under the post-accident provisions of this policy. A supervisor or manager who fails to report an observation and, subsequently, fails to order a confirmed reasonable suspicion will be subject to disciplinary action up to and including termination.

(3) Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case, no later than eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee who is ordered to submit to a reasonable suspicion drug test should be transported to the testing site by City personnel.

(c) Random Testing

(1) Random testing is applicable only to employees who work in DOT/Safety-sensitive positions or who have requested to work in an out-of-title position that is classified as a DOT/Safety-sensitive position. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically-based selection method. Testing shall be ordered by appropriate supervisory personnel, with no less frequency than required by federal law and regulations, and in such numbers as is minimally determined under the regulations. An employee who is notified to submit to a random drug test must report immediately to the collection site. No delay in reporting is acceptable. An employee who is ordered to submit and does not report to the collection site, without delay, must document circumstances causing the delay to be tested. Appropriate action by the supervisor, including the possibility of discipline, shall be required.

(2) The number and percentage of employees tested from the random pool will meet the minimum guidelines established by federal acts and state regulations unless modified by the City Manager. The City will utilize an outside company to conduct the selection method and perform the draws for random testing purposes.

(3) A positive random test result for alcohol or controlled substances will result in termination of employment unless the positive result is due to the employee refusing to test and invoking their one-time option for rehabilitation.

(d) Post Accident Testing

(1) Post accident testing is applicable only to employees who work in a DOT/Safety-sensitive position or who have requested to work in an out-of-title position that is determined to be a DOT/Safety-sensitive position. Post accident testing shall be required for employees assigned to DOT/Safety-sensitive positions after a vehicular accident, regardless of the type of vehicle being operating, in which a fatality has occurred, or when a traffic citation is issued to the City's driver after an accident, or where injury to a person requires transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the accident site to occur. Testing shall include both breath alcohol and urine drug testing of the employee(s).

(2) Post accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case, no later than before eight (8) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. Employees submitting to post-accident testing should be transported to the testing facility by City personnel. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident. A positive post accident test result for alcohol or controlled substances will result in termination of employment.

(e) Return to Work Testing

Return to work urine drug and alcohol testing for all DOT/Safety-sensitive positions covered by this policy shall be required for all employees who previously refused to submit to an alcohol or a random controlled substance test, which results in the reporting of a positive drug test result in compliance with federal and state laws. To return to work, the employee must test negative and be evaluated and released to return to work by a SAP before being permitted to return to work. Employees who test negative for alcohol or a controlled substance return to work test will be required to submit to follow-up testing. A positive return to work test result for alcohol or controlled substances will result in termination of employment.

(f) Follow-up Testing

Follow-up testing is required for all employees who have received a positive test result via a failure to test for alcohol or a controlled substance. These employees shall submit to

frequent unannounced random urine and breath alcohol tests for a minimum of six (6) tests in the following twelve (12) months after return to work. Random testing may be continued for a period of up to sixty (60) months from the employee's return to work date. The duration of the follow-up testing and frequency of such testing shall be at the discretion of the policy administrator after review of the SAP's evaluation. A positive follow-up test result for alcohol or a controlled substance will result in termination of employment.

(g) Failure to Test

(1) Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all of the consequences related to a positive test.

(2) Any employee ordered to submit to an alcohol or controlled substance test shall report immediately to the test site upon being ordered to submit to testing. Employees may exercise their one-time option for rehabilitation if elected prior to submitting a specimen for an alcohol or random controlled substance test. Employees are not afforded a one-time option for rehabilitation if the employee is ordered to submit to a reasonable suspicion or post-accident alcohol or controlled substance test. Delay in reporting for testing by the employee shall be treated as a refusal to test and shall subject the employee to the consequences related to a positive test. Failure to provide a sufficient sample or to provide an unadulterated sample shall be considered as a refusal to test and shall subject the employee to the consequences related to a positive test.

(3) An employee ordered to submit to an alcohol or controlled substance test must be transported by another City employee or supervisor under the Post Accident or Reasonable Suspicion provisions of this policy.

26.8 Testing Controls

(a) Alcohol: Federal regulations require breath testing to be conducted on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any test result that is less than 0.02 blood alcohol concentration is considered to be a negative test result. If the blood alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. An employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from any work-related activity for at least twenty-four (24) hours if performing DOT/Safety-sensitive work-related activity. An employee whose alcohol confirmation test result indicates a blood alcohol concentration of 0.04 or greater is considered a positive test result and will be subject to discipline.

Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from DOT/Safety-sensitive work-related activity; and shall not be permitted to resume work until the employee is (1) evaluated by a SAP, and (2) has tested negative in a follow-up test.

(b) Controlled Substances: Controlled substance testing is conducted by analyzing an employee's urine specimen provided at a laboratory certified and monitored by the U.S. Department of Health & Human Services for the following controlled substances:

INITIAL TEST ANALYTE	**INITIAL TEST** CUTOFF CONCENTRATION	**CONFIRMATORY TEST** ANALYTE	**CONFIRMATION TEST** CUTOFF CONCENTRATION
Marijuana Metabolites	50ng/ml	THCA[1]	15 ng/ml
Cocaine Metabolites	150 ng/ml	Benzoylecgonine	100 ng/ml
Opiate Metabolites			
Codeine/Morphine[2]	2000 ng/ml	Codeine	2000 ng/ml
		Morphine	2000 ng/ml
6-Acetlymorphine	10 ng/ml	6-Acetlymorphine	10 ng/ml
Phencyclidine	25 ng/ml	Phencyclidine	25 ng/ml
Amphetamines[3]			
AMP/MAMP[4]	500 ng/ml	Amphetamine	250 ng/ml
		Methamphetamine[5]	250 ng/ml
MDMA[6]	500 ng/ml	MDMA	250 ng/ml
INITIAL TEST ANALYTE	**INITIAL TEST** CUTOFF CONCENTRATION	**CONFIRMATORY TEST** ANALYTE	**CONFIRMATION TEST** CUTOFF CONCENTRATION
		MDA[7]	250 ng/ml
		MDEA[8]	250 ng/ml

[1] Delta-9-tetrahydrocannabinol-9-carboxylic acid(THCA)

[2] Morphine is the target analyte for codeine/morphine testing.

[3] Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff

[4] Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

[5] To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/ml.
[6] Methylenedioxymethamphetamine (MDMA)
[7] Methylenedioxyamphetamine (MDA)
[8]Methylenedioxyethylamphetamine (MDEA)

Information subject to change per federal guidelines.

The testing for controlled substances is a two-stage process. First a screening test is conducted which screens for the five (5) broad classes of controlled substances (Marijuana, Cocaine, Phencyclidine, Amphetamines, Opiate). If the test result is positive for one or more of the controlled substances, a confirmation test is conducted to identify the specific metabolite and concentration level present within the broad class of controlled substances (see chart above). The confirmation test is a gas chromatography/mass spectrometry (GC/MS) analysis. The levels established for a positive test result for controlled substances are determined by the federal Department of Transportation. The testing levels vary with each controlled substance and differ from the confirmation test levels. The instrument (GC/MS) and the complexity of the controlled substance being tested during the confirmation test are more precise as compared to the initial screening test. Any employee or applicant who tests positive on the confirmation test shall be contacted by the Medical Review Officer (MRO). The employee shall be immediately removed from any DOT/Safety-sensitive work-related activity once the City has been notified of a positive test result. The applicant will be contacted by the City and the conditional offer of employment will be withdrawn once notified by the MRO.

Any employee in a DOT/Safety-sensitive position who invokes their one-time option for rehabilitation prior to submitting a specimen for a random drug test will be removed from performing DOT/Safety-sensitive functions immediately. The employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, and (2) has tested negative in a follow-up test. Employees so removed may be allowed to use any form of their accrued leave balances while removed from work.

Any employee or applicant who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was collected at the same time as the original sample. The test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for testing that is requested by the employee shall be paid by the employee. An employee's

request for a re-test must be made in writing to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made by the employee after the seventy-two (72) hour limit will only be accepted if the delay was due to documented circumstances that were beyond the control of the employee. The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

26.9 Rehabilitation Effort

(a) The City of Springfield offers an Employee Assistance Program to help employees who voluntarily seek assistance for problems including but not limited to chemical dependency, alcohol dependency, etc. For purposes of this policy, the City's rehabilitation option is offered to any employee who determines him/herself to be in need of assistance for a controlled substance or alcohol related problem. An employee may be permitted to enter a rehabilitation facility as approved by the City of Springfield, without fear of disciplinary action being imposed. An employee who does not voluntarily seek assistance through the Employee Assistance Program and violates the provision of this policy has placed his/her employment in jeopardy.

(b) Rehabilitation assistance, due to the refusing to submit to an alcohol or controlled substance test, may only be granted to an employee one time while employed by the City of Springfield. Failure to complete the rehabilitation evaluation and any subsequent treatment plan as recommended by the SAP and/or comply with the provisions of this policy will result in termination of employment.

(c) Employees are encouraged to seek help with alcohol or chemical dependency problems voluntarily through a provider of their choice. Employees may confidentially request rehabilitation services through the City's EAP provider. Employees may access rehabilitation services at a reduced cost by requesting the service through the City's EAP provider. The City's EAP program pays the cost of the first three (3) visits for treatment. Subsequent treatment(s), or treatment(s) outside the EAP provider will be eligible to be covered as outlined in the City's Health Care Plan, if applicable. Employees will not be disciplined for seeking assistance, if assistance is sought voluntarily. The following items must be completed for a rehabilitation process to be successful and complete:

1. The employee shall agree to be evaluated by the SAP or by a rehabilitation professional acceptable to the City of Springfield and successfully complete the

rehabilitation treatment plan established for the employee by the SAP or by a rehabilitation professional accepted by the City of Springfield; and

2. the employee shall agree to refrain from any violation of this policy and the use of alcohol and/or controlled substances as is consistent with the treatment plan for rehabilitation and this policy; and

3. the employee shall provide a release of all medical records for use and review by the City of Springfield, specifically relating to the rehabilitation treatment plan for assistance and compliance; and

4. the employee shall agree to submit to return to work testing demonstrating that the employee has tested negative for alcohol and/or controlled substance test standards; and

5. the employee shall agree to unannounced follow-up testing for a period of time as determined by the policy administrator or designee subsequent to the employee's return to work and consistent with this policy; and

6. the employee, if assigned to a DOT/Safety-sensitive position, will continue to be a participant of the random drug testing pool and ordered to submit to a random drug test as outlined in this policy; and

7. the employee shall agree that any future alcohol or controlled substance violations will result in the termination of employment.

26.10 Contractual Support Professionals

(a) The City of Springfield shall secure a contract with an appropriately *certified testing laboratory* to engage its services to conduct the controlled substance testing analysis and reporting as required under this policy and standards established under federal regulations.

(c) The City of Springfield shall engage the services of an independent contractor to serve the City of Springfield as the *MRO* (Medical Review Officer) being properly credentialed and trained in compliance with federal regulations, and who shall not be an employee of the City of Springfield. The MRO shall, as a part of the contract, maintain all relevant records and provide the required reports necessary for the City of Springfield to comply with the federal reporting requirements.

(c) The City of Springfield shall engage the services of a *SAP* (Substance Abuse Professional) for providing services under this policy and in compliance with the federal regulations.

26.11 Education & Training

(a) The City of Springfield shall provide all employees with a copy of the policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City of Springfield shall also provide information to employees regarding treatment and rehabilitation services available to them. Employees shall be required to confirm receipt of this policy, any revisions, and educational materials in writing noting the date of receipt and acknowledgment by signature as witnessed by the supervisor providing the materials.

(b) The City of Springfield shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. Supervisors and managers will receive a minimum of sixty (60) minutes of training. Training, at the minimum, will include the physical and behavioral effects on personal health, safety, work environment and performance indicators of alcohol use and abuse, the side affects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption, and a component related to objective observation for reasonable suspicion testing, documentation and record keeping. The training shall include an overview of this policy and its implementation and application to employees.

26.12 Confidentiality

(a) All records developed and/or pursuant to this policy shall be maintained under strict confidentiality by the City of Springfield, the testing laboratory, the MRO, and the SAP, when and as applicable. The records shall be maintained separately from other personnel records maintained by the City of Springfield and shall be maintained in a secured location. Materials shall not be released without the employee's authorized written consent, except under provisions as provided in the federal regulation such as under the rehabilitation contract, litigation, or a quasi-judicial and/or administrative proceeding related to positive test results and/or matters initiated by an employee.

(b) Any person breaching the confidentiality provisions of this policy shall be subject to termination from employment and/or from any contractual relationship with the City of Springfield.

26.13 Disciplinary Issues

(a) Unless otherwise specified in the policy, the City of Springfield's policies related to disciplinary action shall be followed when imposing discipline for violation of this policy. Employees are required to seek help for alcohol and/or controlled substance problems.

Employees who voluntarily seek help prior to submitting to testing for alcohol or controlled substances will not face disciplinary action for admitting he/she has a problem, nor for seeking treatment for such a problem. However, request for assistance after a positive alcohol or controlled substance test result is received, will not be honored and the City of Springfield will take action to terminate employment. Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy, shall be subject to immediate termination from employment.

(b) This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of the City of Springfield policy or state and federal laws, or as provided in the workers' compensation laws.

26.14 Coordination with other Laws & Policies

(a) This policy shall be administered in compliance with other federal, state, and local laws related to employee health and welfare policies, leave policies, benefit programs, and other related policies of the City of Springfield. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate ruling to resolve the potential conflicts, whenever possible.

(b) In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of a state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

26.15 Amendments

This policy is subject to amendment by the City of Springfield from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as determined by the policy administrator.

26.16 Statement of Intent to Comply with the Requirement of the Drug Free Work Place act of 1988, Pub.L. 100.690, Title V, Subtitle D

In addition to the provisions above in the Alcohol and Controlled Substance Testing Policy of the City of Springfield, and in accordance with the requirements placed on the City of Springfield by the provisions of the Drug Free Work Place Act or 1988, Pub. L 100.690, Title V, Subtitle D, all

employees, in every position, in every department of the City of Springfield are hereby notified of the following:

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on, about or within any property which is owned, leased, operated, used, or occupied by the City of Springfield, as a vehicle or site for the performance of work done in connection with a specific federal grant. Employees who violate this prohibition will be subject to disciplinary action up to and including termination of employment; or a combination of these actions, in accordance with the provisions of the Alcohol and Controlled Substance Testing policy of the City of Springfield.

a. In furtherance of the City's obligation to provide a drug-free work place, the Employee Assistance Program or Substance Abuse Professional shall establish a drug-free awareness program to inform employees about:
   1. the dangers of drug abuse in the work place;
   2. the City's policy on maintaining a drug-free work place;
   3. available sources for drug counseling, rehabilitation and employee assistance for substance abuse problems; and
   4. the penalties which may be imposed on employees who commit drug abuse violations in the work place.
b. Every employee who is engaged in the performance of any work connected with a federal grant shall be provided with a copy of this statement and or the Alcohol and Controlled Substance Testing Policy of the City of Springfield.
c. Every employee who is engaged in the performance of any work connected with a federal grant shall, as a condition of employment under the grant;
   1. Abide by the terms of this statement and of the City's Alcohol and Controlled Substance Testing Policy.
   2. Notify the City of Springfield of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such conviction.
d. The City of Springfield will notify the federal agency, through which a grant is administered, within ten (10) days after receiving notice under subparagraph (c),(2) from an employee or otherwise receiving actual notice of such conviction.
e. The City of Springfield will take one or more of the following actions within thirty (30) days of receiving notice under subparagraph (e),(2), against any employee who is so convicted;

1. Impose appropriate personnel action against such employee, up to and including termination of employment;
2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local law enforcement, or other appropriate agency.

f. The City of Springfield will make a good faith effort to continue to maintain a drug-free work place through implementation of the provisions of the statement and of the Alcohol and Controlled Substance Testing Policy of the City.

The City of Springfield is committed to providing its employees a safe, healthy and drug-free work place. The cooperation of all employees is necessary in order to achieve our goal.

RULE 27 - FAMILY AND MEDICAL ACT OF 1993

27.1 Administration of the Family Medical Leave Act of 1993

All requests for use of the Family Medical Leave Act of 1993 (Act) by employees shall be made to the Human Resources Department of the City of Springfield on forms established by the Director of Human Resources. All requests for family and medical leave shall be in accordance with the provisions of the Act. Eligible employees shall be entitled to family leave in accordance with the Act and this ordinance. The Human Resources Department of the City is authorized to take whatever steps it deems necessary to administer the Act.

27.2 Determination of the Twelve-Month Period

It is hereby determined that for the purposes of computing the twelve-month period in which the twelve weeks of leave entitlement occurs, the City shall use the twelve-month period measured forward from the date any employee's first such leave begins.

27.3 Substitution of Paid Leave

Notwithstanding any other provision of the Springfield City Code to the contrary, the Director of Human Resources may require an eligible employee to substitute any of the accrued paid vacation leave, personal leave, family leave, holiday leave, or sick leave, that the employee is otherwise entitled to under the ordinances of the City for leave provided under subparagraph (A), (B) or (C) of subsection (a) (1) of 29 USC Section 2612.

27.4 Leave Taken Intermittently or on a Reduced Leave Schedule

Notwithstanding any other provision of the Springfield City Code to the contrary, if an eligible employee requests intermittent leave or leave on a reduced leave scheduled under subparagraph (C) or (D) of subsection (a) (1) of 29 USC Section 2612 that is foreseeable based on planned medical treatment, the Director of Human Resources may require such employee to transfer temporarily to an available alternative position offered by the City for which the employee is qualified, provided there is equivalent pay and benefits and the position better accommodates the recurring periods of leave than the regular employment position of the employee.

27.5 Accrual of Benefits

Notwithstanding any other provision of the Springfield City Code to the contrary, any eligible employee who takes family leave in accordance with the provisions of the Act without pay shall not be entitled to the accrual of any seniority or employment benefits during any period of leave or any right, benefit or position of employment other than any right, benefit, or position to which the employee would have been entitled if the employee had not taken the leave.

27.6 Recoupment of Medical Insurance Costs

If an employee does not return to work after the employee has taken family leave without pay under provisions of the Act, the City Attorney shall be authorized to take whatever legal action that is necessary to recoup health insurance costs incurred by the City during the time that the employee took the family leave.

27.7 Spouse Employed by the City

In any case in which a husband and wife entitled to leave under subsection (a) of 29 USC Section 2612 are employed by the City, the aggregate number of work weeks of leave to which both may be entitled shall be limited to 12 work weeks during any 12-month period, if such leave is taken under subparagraph (A) or (B) of subsection (a) (1) of 29 USC Section 2612; or to care for a sick parent under subparagraph (c) of subsection (a) (1) of 29 USC Section 2612.

27.8 City Manager's Authority to Grant Other Leave

Nothing contained in this Rule shall limit the City Manager's authority pursuant to Merit Rule 21.6, to approve Special Leave in addition to the Family and Medical leave otherwise provided herein.

RULE 28 - EMPLOYEE ASSISTANCE PROGRAM

28.1 Administration of the Employee Assistance Program

The Employee Assistance Program (EAP) will be administered by the Employee Relations Officer designated by the Director of Human Resources. The Director and EAP administrator shall develop necessary procedures to maintain confidentiality of records and to ensure that the functions of the Employee Assistance Program are properly carried out.

28.2 Functions of the Employee Assistance Program

The internal EAP, the Employee Relations Officer, functions primarily as an intake and referral service for employees, spouses, and dependent children who seek help about issues including, but not limited to: family, marital, or relationship problems, emotional difficulties, stress and anxiety, alcoholism, and substance abuse. The program is available for employees who voluntarily seek assistance or who have been directed by the appointing authority to seek assistance through the program.

The EAP administrator will compile and maintain all information and records necessary to the task of referring employees to counseling and help programs, substance abuse treatment services, and facilities in the community. The administrator will monitor the progress of employees seeking treatment through the EAP to the extent necessary to document and verify proper administration of employee health care or other applicable benefit plans, including use of leave time.

The City maintains flexibility in providing employee satisfaction selecting an external EAP provider and performance by the outside vendor shall be the main criteria in the selection process.

28.3 Employee Use of Leave Time While Seeking and Receiving Treatment Through the EAP

Employees who are receiving treatment for substance abuse problems through the EAP are entitled to use all forms of accumulated leave time available to them, including sick leave, vacation time, and compensatory time. Should an employee who is receiving treatment through the EAP prefer to take a leave of absence without pay rather than utilize accumulated leave time, or should an employee exhaust all available leave time prior to receiving medical clearance to return to his/her work duties, the employee must request a leave of absence without pay in accordance with the Merit Rules and Regulations. Such a request will be considered in light of

all the circumstances of the case, including but not limited to, the manpower needs of the affected City department, the medical needs of the employee, and the degree of good faith effort displayed by the employee in dealing with his/her problem. Nothing herein shall be construed to require that a leave of absence without pay must be granted in such cases, subject to other legal rights of the employee and provisions of the Merit Rules.

28.4 EAP Records Confidentiality

All information regarding voluntary and mandatory referrals to the Employee Assistance Program shall be confidential. Records of the EAP shall not be placed in an employee's general personnel file, but shall be kept in a separate confidential file that will be securely kept by the administrator of the EAP under the supervision of the Director of Human Resources. The administrator is authorized to release the contents of the confidential folder only on a strict need-to-know basis to management-level members of the staff of the City Manager, the Human Resources Department, the Law Department, and the employee's department; to the City Council upon request of the Council; and to the employee upon written request. Disclosure without employee consent is also authorized if: (a) production of the information is compelled by law or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; (d) the information is needed by medical personnel for the diagnosis or treatment of the employee and he is unable to authorize disclosure.

28.5 Mandatory Referral to the Employee Assistance Program

As an alternative to, or in conjunction with, formal disciplinary proceedings which may be brought against an employee for a violation of policy, an employee may be ordered to seek assistance through the Employee Assistance Program for resolving his issues. The appointing authority is authorized, in appropriate cases, to suspend the imposition of formal discipline (dismissal, demotion, reduction in compensation, suspension without pay) for a period not to exceed one year, pending the successful completion of assessment, counseling, and rehabilitation by the employee. Written notice of mandatory referral to the Employee Assistance Program shall be given to the employee.

In the event the employee does not complete assessment, counseling, or rehabilitation, the appointing authority may, within the one-year period following the date of written notice of mandatory referral to the EAP, impose such formal discipline as is authorized under this Policy and the Merit System Rules and Regulations of the offense involved. No formal discipline may

be imposed for the underlying offense more than one year after notice of mandatory referral to the EAP.

If mandated to the EAP, the employee will be required to meet with the Employee Relations Officer to sign a release of information form to be submitted to the appropriate counselor, professional, or facility that authorizes the professional to communicate to the Employee Relations Officer about the employee's compliance with the mandated referral. Failure of the employee to meet with the Employee Relations Officer and sign the necessary release information form will be regarded as non-compliance with the mandatory referral. The employee's supervisor will be notified of the employee's refusal to cooperate. The disciplinary process as outlined in the Merit System Rules and Regulations will be followed.

28.6 Appeal Rights

An employee who receives formal discipline (dismissal, suspension without pay, demotion, reduction in compensation) for violation of the provisions of this Rule 28 is entitled to the appeal rights granted in the Merit System Rules and Regulations.

HISTORICAL LISTING OF UPDATES TO MERIT RULES & REGULATIONS

The Human Resources Department assumed the responsibility of updating the Merit System Rules & Regulations Manual on June 21, 1999 beginning with changes contained in General Ordinance #4906. Prior to this date, updates to Manual were the responsibility of the City Attorney's Office.

Below is a listing of the General Ordinances passed by City Council since November 12, 1999 that contain the creation, revision and ratification of Merit Rules approved by City Council. Ordinances are on file in the City Clerk's Office.

DESCRIPTION	ORD. #	DATE OF PASSAGE	MERIT RULE #	MERIT RULE NAME
Revised	6269	03/21/2016 *Note: effective date of actual change to Merit Rules 12/31/2016	25.1 25.2	Police and Fire Departments Health Insurance Plan, Coverage of County Emergency 911 Employees Transferring to the City
Revised Revised Repealed Revised Revised	6149	10/27/2014	1 10.1 21.3 21.10 22.3	Definitions* Promotions Maternity Leave Emergency Conditions Payment of Health and Medical Insurance When Disabled *Change to Merit Rule effective 11/02/2014; all other Merit Rule changes effective upon passage of council bill.
Revised	6101	02/10/2014 *Note: effective date of actual change to Merit Rules 3/23/2014	2.2 8.5 20.1 21.1 21.2	Coverage and Amendment of Rules Temporary Appointment Compensation for Absence on Holidays Vacation Leave Sick Leave
Repealed	6090	12/16/2013	11.1	Employee Advisory Committee
Revised Revised Revised Revised	5935	06/27/2011	12.6 19.2.2 21.7 22	Resignations Emergency Calls Funeral Leave – PAT, CTL, LES and FPS Schedules Employee's Injuries and Disabilities
Revised Revised	5908	11/15/2010	11.5 26.8(b)	Outside Employment Testing Controls, Controlled Substances
Revised Revised Revised	5876	06/28/2010	19.1(b) 19.2.2 21.2(c)(3)	Overtime Administration and Compensation Emergency Calls Vacation Leave
Revised Revised Revised Created	5854	01/25/2010	8.5 12.10 18.1(b) 19.6	Reinstatement Rights of Employees Upon Terminating Starting Rate on Return to Duty Prior Service Credit Benefit (Tier II-to-LAGERS Migration)
Revised Revised Revised Revised Revised	5824	06/15/2009	17.7 18.2 19.4 21.1 22.1	Partial Reimbursement for Purchase of Computers Advancement Within a Salary Range Sick Leave Incentive Plan Vacation Leave Adoption of Workers' Compensation Law

DESCRIPTION	ORD. #	DATE OF PASSAGE	MERIT RULE #	MERIT RULE NAME
Revised	5820	06/01/2009	25.1	City Health Care Plan
Revised Revised	5564	06/26/2006	21.1 24.2	Vacation Leave Allowances for the Use of Privately Owned Vehicles on City Business
Revised	5545	05/15/2006	25.1	City Health Care Plan
Revised Revised Revised	5474	06/27/2005	18.5 18.5.1 24.2	Advancement to Top Step – 1991-92 Advancement to Top Step – 1992-93 Deferred Incentive Plan
Revised	5461	05/31/2005	21.1	Vacation Leave
Revised	5432	12/13/2004	21.1	Vacation Leave
Revised Revised Revised Revised	5382	06/21/2004	17.6 21.1 21.2 24.2	Partial Reimbursement for Purchase of Computers Vacation Leave Sick Leave Allowances for the Use of Privately Owned Vehicles on City Business
Revised	5326	12/08/2003	25	Substance Abuse Policy
Revised Revised Revised Revised Revised Repealed Reenacted	5319	11/24/2003	6.4 6.8 18.1 18.2 21.1 26 26	Duration of Registers Promotion Register Entrance Salary Rates Advancement Within a Salary Range Vacation Leave Substance Abuse Policy Substance Abuse Policy
Revised Revised Revised	5278	06/16/2003	21.4 21.5 22.7	Military Induction Leave Military Leave Training Life Insurance – Bomb Squad, Water Rescue, and Hazardous Materials Teams
Revised	5269	05/19/2003	13.6(b)	Consideration of Complaint – Setting Date for Hearing
Created	5213	08/26/2002	19.5	Employee Performance Incentive Programs
Ratified	5194	06/17/2002	25.1	City Health Plan (no changes were required for Merit Rule, council bill ratified plan document changes.)
Revised Created	5188	06/03/2002	24.2 17.8	Allowances for the Use of Privately Owned Vehicles on City Business Internet Service Allowance
Revised	5153	02/11/2002	25.2	Police & Fire Departments Health Ins Plan; Coverage of County Emergency 911 Employees Transferring to the City of Springfield
Revised	5137	12/17/2001	25.1(b)	Health & Medical Benefits – City Health Care Plan – Enrollment
Created	5109	09/04/2001	24.5	Allowance for Commissioned Police Employees Residing in CDGB Areas
Revised	5103	08/06/2001	17.6(b)	Use of City-Owned Vehicles
Revised Revised Revised Revised	5089	06/11/2001	5.1 7.2 18.2(d) 24.2	Minimum Qualifications for Filing Certification of Eligibles Salary Increases for Exempt Employees Allowances for the Use of Privately Owned Vehicles on City Business

DESCRIPTION	ORD. #	DATE OF PASSAGE	MERIT RULE #	MERIT RULE NAME
Revised	5065	04/02/2001	5.11	Notice of Examination Results
Revised			5.14	Examination Records
Revised			9.1	Nature, Duration, and Purpose
Revised			21.2(e)	Sick Leave
Revised			21.9	Absence Without Leave
Revised	4050	12/18/2000	25.2	Police and Fire Departments Health Ins Plan
Revised	4989	06/12/2000	18.1(h)	Entrance Salary Rates
Revised			21.7	Funeral Leave
Revised			24.2	Allowances for Use of Privately Owned Vehicles on City Business
Revised			24.4	Deferred Incentive Plan
Revised	4981	05/01/2000	1	Definitions
Revised			5.1	Notices of Examination
Revised			5.3	Filing Applications
Revised			5.4	Disqualification of Applicants
Revised			5.12	Adjustment of Errors
Revised			6.2	Open-Competitive Registers
Revised			6.4	Duration of Registers
Revised			6.5	Replenishment of Registers
Revised			8.2	Probationary Appointment
Revised			8.5	Temporary Appointment
Revised			9.1	Nature, Duration and Purpose
Revised			9.2	Conditions Preliminary to Permanent Status
Revised			10.1	Promotions
Revised			10.2	Transfer
Revised			11.1	Employees' Advisory Committee
Revised			12.2	Layoffs
Revised			12.4	Causes for Disciplinary Action
Revised			17.1	Compensation Plan
Revised			18.1	Entrance Salary Rates
Revised			18.2	Advancement within a Salary Range
Revised			21.1	Vacation Leave
Revised			21.2	Sick Leave
Revised			21.7	Funeral Leave
Revised			25.2	Police and Fire Departments Health Insurance Plan
Revised	4906	06/21/1999	17.6	Use of City-Owned Vehicles
Revised			24.4	Deferred Incentive Plan
Revised			19.2.2	Emergency Calls
Revised	4832	09/08/1998	2.4	Prohibition of Political Influence and Discrimination
Revised			5.3	Filing Applications
Revised			5.9	Oral Examinations

DESCRIPTION	ORD. #	DATE OF PASSAGE	MERIT RULE #	MERIT RULE NAME
Revised	4812	06/22/1998	19.4	Sick Leave Incentive Plan
Revised			24.1	Clothing Allowance Authorized
Revised			18.2	Advancement Within A Salary Range
Revised			19.2.3	Emergency Calls–Fire Marshals Assigned On-Call
Revised			12.10	Rights of Employees Upon Terminating
Created			21.2.1	Sick Leave
Revised			24.2	Allowances for the Use of Privately Owned Vehicles on City Business
Revised			24.4	Deferred Incentive Plan
Revised			26.2	Application of this Policy; Definitions
Revised			26.4	Testing for the Presence of Alcohol and Drugs; When Authorized; What Substances will be Tested For
Revised			26.5 Sections (a), (b), (c), (d)	Testing Procedures; Discipline Which May be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program
Repealed			26.5 Section (e), (f)	Testing Procedures; Discipline Which May be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program
Repealed			26.6	Employee Assistance Program
Repealed			26.7	Appeal Rights
Reenacted			26.6	Appeal Rights
Created			28	Employee Assistance Program
Revised			5.9	Oral Examinations
Created			11.5.2	Extra-Duty Employment
Revised	4712	06/09/1997	16.7(e)	Class Titles and Codes
Revised			21.1(g) and (h)	Vacation Leave
Revised			24.2	Allowances for the Use of Privately Owned Vehicles on City Business
Revised			24.4	Deferred Incentive Plan
Revised	4668	11/12/1996	21.7	Funeral Leave--PAT, CTL, LES and FPS Schedules