Seasonal/Temporary Employee Handbook

City of Olathe

Setting the Standard For Excellence in Public Service
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Welcome! Congratulations on your decision to become a valued employee for the City of Olathe. We serve a thriving community that is not only one of the fastest growing cities in the country, but is also recognized as one of the best cities to reside in the Midwest. To what can we attribute our growth and recognition? A large part of it can be credited to employees like you who work hard to “set the standard for excellence in public service.”

The shared mission throughout our organization is to “plan for and provide public services to enhance the quality of life for our community.” While many organizations are in business simply to turn a profit, we are in business to enhance the quality of life for people! We believe strongly in our cause, and we have been successful at it. Our citizens rate us very high in the area of Customer Service. That’s because we value a friendly attitude that delivers timely, competent, and responsible service to both our internal and external customers. We are always seeking new ways to improve our organization and our community.

Our vision for the future is to “set the standard for excellence in public service.” We desire to be the best when it comes to local government. By setting the standard for excellence, others will look to our organization and our employees to see how we do things and why our organization and community are experiencing such success! By embracing teamwork and communicating effectively both internally and with our citizens, we will achieve this vision.

Once again, congratulations on your decision to be part of this value-based organization.

My door is open to you if you have any questions, ideas, suggestions, or concerns.

Sincerely,

J. Michael Wilkes

City Manager
VISION, VALUES, AND MISSION

PREAMBLE: By embracing these core values, employees of the City of Olathe are committed to serving the community with respect, accountability, initiative, and integrity.

Customer Service: We value a friendly attitude that delivers timely, competent, and responsible service to all of our customers.

Teamwork: We value cooperation with others to achieve the best for our organization and community.

Learning: We value an innovative environment that challenges us to continuously seek ways to improve our organization and our community.

Communication: We value open discussion with others as the basis for decision-making and action.

Leadership through Service: We value an organization in which each of us is a leader focused on serving people through listening to, caring for, supporting, and developing others.
INTRODUCTION

This Seasonal and Temporary Employee Handbook (this “Seasonal Handbook”) is designed to acquaint employees with the City of Olathe and provide them with information about working conditions, and the policies affecting their employment. This Seasonal Handbook is intended to supplement the City of Olathe’s Employee Handbook, by providing the policies most relevant to seasonal and temporary employees; it is in no way intended to override or nullify any regular Handbook policy. All employees should read, understand, and comply with all provisions of the Seasonal Handbook. This Seasonal Handbook contains the official City-wide policies adopted by the City of Olathe. The terms “handbook” and “policy” may be used interchangeably throughout this handbook. It describes many employee responsibilities and outlines the programs developed by the City of Olathe to benefit employees.

No employee handbook can anticipate every circumstance or question about organizational policies. As the City of Olathe continues to grow, the need may arise, and the City of Olathe reserves the right as it deems appropriate, to revise, supplement, or rescind any policies or portions of the handbook from time to time. Employees will be notified of such changes to the handbook as they occur. The City of Olathe is and will remain an “at will” employer. This means that employees can resign at any time, and likewise, the City can choose to terminate employment for any reason, other than where specifically prohibited by law. Nothing in this handbook alters the at-will nature of employment.

Organizational Expectations

City of Olathe employees are professionals with professional qualities, behaviors, and skills. City of Olathe employees desire the authority to exercise independent judgment and accept responsibility and accountability for actions and outcomes.

All City of Olathe employees are expected to:

- Strive for excellence.
- Obey the law; follow all rules, and City policies.
- Consider the public as consumers, and provide a customer oriented service.
- Work competently to make all City departments operate effectively.
- Keep informed.
- Protect each other’s welfare.
- Protect and care for City equipment and property.
- Maintain proficiency in job-related knowledge and skills.
- Be organized; manage time wisely.
- Help each other succeed, utilizing experience and knowledge in a positive way.
- Treat co-workers equitably and consistently.
- Assist in problem solving.
- Be pro-active.
- Communicate honestly and completely.
- Carry out decisions in a positive manner.
- Reflect the organizational expectations; be positive role models.
Decision Making Model

City of Olathe Employees use five questions to guide their decision making process:

1. Is the decision consistent with the adopted City of Olathe values, vision, and mission?
2. Is the decision ethical?
3. Is the decision legal?
4. Is this the right thing to do?
5. Does the decision promote a positive public perception?
SECTION 1: POLICY ADMINISTRATION

1-2. EMPLOYEE RECORDS
Updated 3/13/2018

1-2.A. Employee Files
The Human Resources Division is responsible for maintaining official employee records for all City employees as they relate to performance evaluations, disciplinary actions, and all other personnel actions, and benefits.

Each employee will have an official file, maintained in Human Resources, containing information completed at time of employment and records provided by department directors. At a minimum, this file will contain information relating to employment applications, pay history, promotions, transfers, and other actions that affect the status of the employee.

1-2.B. Personal Information
Each employee will be responsible for ensuring that Human Resources is kept aware of his or her updated personal information. Employees may update changes of name, address or telephone number through online Employee Self-Service or by notifying the Human Resources Division. It is also important that employees immediately notify Human Resources of any changes of any changes in family status (marriage, divorce, birth, adoption or death) that may affect beneficiary eligibility. Employees’ benefits or their dependents' benefits may be affected or lost if Human Resources is not notified of these changes within 30 days.

1-2.C. Medical Information
Information regarding an employee’s medical condition or history, disabilities, serious health conditions, worker’s compensation claims, and drug/alcohol tests is maintained in one or more separate medical files, with restricted access in accordance with law. Medical privacy training will be provided to appropriate staff (e.g. employees whose job responsibilities require them to access confidential medical files, members of the Sick Leave Bank Committee).

1-2.D. Access to Employee Information
This procedure covers the City’s policy regarding responses to requests for access to and information from employee records.

- Employee files are the property of the City. Any current employee who wishes to review his/her official personnel file should contact Human Resources. Access at reasonable times and intervals in the presence of a Human Resources staff member will be granted. Copies of selected documents (typically those previously seen or signed by the employee, those previously provided to the employee, and those to which the employee has a legal right to review) will be provided to a current employee. Requests for access or copies from former employees will not be honored in the absence of a bona fide subpoena.

- The City makes a good faith effort to preserve the confidentiality of personnel files. Therefore, supervisors may have access to selected portions of the official employee file of employees they supervise for legitimate business reasons. A supervisor’s access to the medical file and other confidential files related to the employee will be permitted only if the supervisor has a bona fide need to know and access is not restricted by law.
Supervisors who wish to access an employee’s employment records must obtain advance approval of the Assistant Director of Human Resources. Copies of documents in the personnel file will be permitted only if absolutely necessary and on such terms and conditions as determined by the Assistant Director for Human Resources.

- The Human Resources Division will also release employee information to those individuals who have been authorized in writing to view the file by a current employee, by court order, subpoena, or other legal mandate; for justified law enforcement and public safety reasons; and as determined by the sole discretion of the City, subject to all applicable federal, state or local laws, or administrative regulations. The City will comply with the disclosure requirements of the Kansas Open Records Act (KORA).

- Departments shall refer all requests from external sources for employee information concerning applicants, employees, and past employees to the Human Resources Division.

- The Human Resources Division will release the following information on employees in accordance with KORA: dates of employment, position, and ending or current salary.

- Where applicable, the Human Resources Division shall notify all department directors, managers, or supervisors, who may possess relevant records, of the request and of the immediate need to produce all personnel records responsive to a lawful request. The Human Resources Division will consult with legal counsel with regard to any issues concerning the propriety of the request or manner of producing the records responsive to the request.

1-3. HANDBOOK UPDATES AND REVISIONS

Updated 3/13/2018

This Handbook will be reviewed as need. When revised, the most current Handbook version will be communicated to employees via the City of Olathe’s Intranet immediately.
SECTION 2: WORKING FOR THE CITY OF OLATHE
Updated 3/13/2018

2-1. CORE VALUES & AND LEADERSHIP PHILOSOPHY

2-1.A. The City’s Core Values

By embracing these core values, employees of the City of Olathe are committed to serving the community with respect, accountability, initiative, and integrity.

**Customer Service:** We value a friendly attitude that delivers timely, competent, and responsible service to all of our customers.

**Teamwork:** We value cooperation with others to achieve the best for our organization and community.

**Learning:** We value an innovative environment that challenges us to continuously seek ways to improve our organization and our community.

**Communication:** We value open discussion with others as the basis for decision-making and action.

**Leadership through Service:** We value an organization in which each of us is a leader focused on serving people through listening to, caring for, supporting, and developing others.

2-1.B. The City’s Leadership Philosophy

Each of us who work for the City of Olathe live our leadership philosophy.

- We are passionate about making a positive difference while building a safe and quality community.

- We believe we are at our best when we consult and collaborate, utilizing our individual expertise, knowledge and creativity in teams throughout the organization.

- We are responsible stewards of the public trust and are accountable to our citizens and to each other.

- We encourage professional development and personal growth for continuous improvement.

We use performance measures to benchmark our progress, and we celebrate achievements and innovations.

2-2. CODE OF ETHICS

The City of Olathe adopted an ethics policy, Resolution No. 98-1068 (see Appendix D), as adopted by the City Council. The City’s Code of Ethics holds that officials and employees of the City shall:

- Be dedicated to the ideals of honor and integrity in all public and personal relationships.
• Conduct themselves so as to maintain public confidence in the performance of their job duties.

• Make it their duty to improve operations and productivity, and use time wisely so that all citizens know that full value is being received for each tax dollar spent.

• Seek no favors, nor use the prestige of office for private gain, nor use confidential information or government equipment or supplies to secure a profit or enhance wealth.

• Ensure that expenditures made by the City are in the interest of the City, for the betterment of the City, and only for appropriate City business.

• Avoid conflicts of interest by refraining from participating in decisions or being involved in transactions in which they or their family has an interest, and make full disclosure of association when involvement cannot be avoided.

• Address constituents’ concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.

• Work in full cooperation with other officials and employees, unless prohibited by law or recognized confidentiality of material, to perform the operations of government, but not to exceed their authority or encroach on another’s professional responsibilities.

• Refrain from assisting and representing the private interests of another before any commission, board, council, or agency of the City when they have any official involvement with respect to the determination of the private interest.

• Avoid the appearance of improper influence; refrain from ever receiving, soliciting, or accepting gifts, gratuities, favors, or anything of value for themselves, their family, or others which are intended or have the appearance or effect of influencing the performance of their duties; and never lobby or attempt to influence others in performance of their duties by any means which are not part of their authorized duties.

City employees may be offered honorariums as a result of speaking engagements or conducting seminars. A reasonable fee for time actually spent in preparation or participation may be accepted as long as the City is not also compensating the employee for the time, then the honorarium will be rejected.

Any gift not authorized by this subsection may be returned to the donor, transmitted to the City Treasurer, or turned over to the City to be used by the City or to be sold with the proceeds of such sale deposited into the general fund of the City. The City Treasurer for the City shall be notified within seven days of the receipt of any monetary property not authorized by this subsection.

2-2.B. Ethics Hotline
In order to help identify and encourage employees and the general public to report ethical violations, the City has established an ethics hotline. The number to the hotline is 1-800-363-8042. All calls to the hotline are confidential to the fullest, practicable extent. The ethics hotline may also be accessed through the City of Olathe Web site at www.olatheks.org.

All department directors, managers, supervisors, and employees are strictly prohibited from retaliating against any person, citizen, or co-worker who reports a violation or suspected violation of the code of ethics to the ethics hotline.

All complaints regarding violations of the City's Code of Ethics, Employee Handbook Section 2-2 are to be submitted by writing to the City Manager's Office or via the ethics hotline (1-800-363-8042) for investigation.

Any time a violation is alleged to have occurred by a City of Olathe employee or volunteer, an Investigation and Report Committee comprised of City of Olathe employees will initiate an investigation upon notification by the City Manager. For complaints involving City employees, the City Manager shall direct department directors to enforce appropriate disciplinary action.

**Primary Functions and Confidentiality**

- The primary function of the committee is to act as an advisory body to the City Manager.

- Members of the committee are charged with keeping all information on matters strictly confidential.

**Meetings**

- The committee will meet as necessary to consider all complaints.

- Two members shall constitute a quorum.

**Violations**

- Violations of the code of ethics shall be subject to disciplinary action as called for under Section 5 of the City's Employee Handbook.

- Employees may appeal a disciplinary action as permitted under Section 6 of the City's Employee Handbook.

Volunteers who have violated the City of Olathe's code of ethics may be removed from their positions.

**2-3. EMPLOYEE RELATIONS**

The City intends to maintain a positive and rewarding work environment and expects employees to behave and perform in a manner that is consistent with such a work environment.

The City of Olathe believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. Employees are strongly encouraged to discuss any concerns they may have regarding their compensation and working conditions with their supervisors. Employees will not be transferred, demoted, terminated, or retaliated against in any way for voicing a concern in a professional manner.

**2-3.A. Environment**

The City of Olathe’s experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be
positive. We believe that the City of Olathe amply demonstrates its commitment to employees by responding effectively to employee concerns. It is the policy of the City to seek employees who are committed to excellence in the provision of services to the public. The City is dedicated to providing its employees with a family-friendly and productive work environment that encourages and rewards outstanding performance. The City values a diverse workforce and expects mutual respect and cooperation from all employees regardless of their differences. The City will implement effective policies and procedures, provide managers and employees with available resources and appropriate training, use performance management to encourage all employees to support the organization’s best interests, and offer employees market-competitive compensation and benefits programs to meet those goals.

2-3.B. Rewarding Relationship

The City is committed to a mutually rewarding and direct relationship with its employees. The City retains the sole discretion to exercise all managerial functions. Thus, the City attempts to:

- Provide equal employment opportunity and treatment regardless of race, religion, color, gender, LGBTQ, age, national origin or ancestry, disability, military status, creed, pregnancy, political affiliation, or belief.
- Provide market-competitive, performance-based compensation.
- Provide market-competitive, comprehensive, and flexible benefits.
- Provide a safe and productive working environment that is free from harassment.
- Establish reasonable hours of work based on the City’s commitment to public services.
- Monitor and comply with applicable regulations concerning employee safety.
- Offer appropriate training and professional growth opportunities.
- Indemnify and defend employees acting within the scope of their employment and in compliance with City policy in appropriate circumstances.
- Be receptive to constructive suggestions about job duties, working conditions, or employee policies.
- Establish appropriate means for employees to discuss matters of concern with their immediate supervisors, department managers, and/or department directors.

2-3.C. Expectations

The City, as part of its commitment to providing the public excellent services and to creating a productive work environment, expects all employees to:

- Interact with the public and business associates in a professional manner.
- Represent the City in a positive and ethical manner.
- Perform assigned tasks in an effective and efficient manner.
- Be punctual and work as scheduled.
• Behave in a considerate, friendly, and constructive manner toward fellow employees.

• Comply with the policies adopted by the City.

2-4. NATURE OF EMPLOYMENT

Employment with the City of Olathe is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City of Olathe may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook do not create a contract, nor are they to be construed as contractual obligations of any kind or as a contract of employment between the City of Olathe and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time at the City of Olathe's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the City Manager.

2-5 EMPLOYMENT OF RELATIVES

The employment of relatives within an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work (e.g., nepotism), personal conflicts from outside the work environment can be carried into day-to-day working relationships. The definition of a relative for hiring purposes is: spouse, parent, child, brother, sister, brother/sister-in-law, grandparent, grandchild, stepparent, stepchild, step-grandparent, step-grandchild, son/daughter in-law and mother/father in-law.

This policy may apply differently to different position categories as defined in Employee Handbook Section 2-10, Employment Categories.

2-5.B. Guidelines for Seasonal and Temporary Positions

Seasonal and temporary work may, in certain situations, constitute an important bridge to a regular position with the City. In order to avoid limiting the career potential of the City’s seasonal and temporary employees who are related to City employees, this policy will apply to all positions, except as stated herein.

This policy will not affect seasonal and temporary positions in certain programs within the Parks & Recreation Department. Such positions are:

Sports Officials
Lifeguards
Sports Instructors

Additionally, the City of Olathe recognizes its privilege and responsibility to educate the City’s youth through training opportunities, internships and other workplace experiences. As such, this policy will not impact seasonal or temporary employees who work in any department and who are: a) under the age of twenty-six (26), b) children and stepchildren of City employees, and c) enrolled in school. The Assistant Director of Human Resources will approve such hires and use reasonable care in validating school enrollment.
Affected seasonal or temporary employees will be allowed a 180-day transition period before terminating employment with the City; this transition period will begin on the day that any change under this policy renders the employee in violation.

2-6. RELATIONSHIPS IN THE WORKPLACE

Dating and physical relationships between employees can have a serious adverse impact on employee relations and workforce morale and increase legal liability for the City. It is nearly impossible to eliminate the emotional reactions that come during dating and/or during a break-up from the professional requirements of an employee’s position when the dating parties work in the same department. Directors, managers, and supervisors should appropriately manage personal relationships and activities, including, but not limited to, refraining from social media posts that could compromise the employee/manager relationship, or suggest favoritism.

2-6.A. Directors, Managers, Supervisors

All directors, managers, and supervisors are strictly prohibited from dating any employee they manage or supervise and/or who is within their line of supervision. Directors, managers, and supervisors may request a transfer to a different department before beginning a dating and/or physical relationship.

2-6.B. Co-Workers

Employees who do not manage and/or supervise each other may continue dating, but must inform their respective supervisors and department directors of the relationship. The department directors may consult with the Assistant Director of Human Resources if there is any concern regarding the existence of the relationship. Being involved in a dating and/or physical relationship with a co-worker may severely impact an employee’s opportunities for promotion to supervisory positions within the organization.

Employees who fail to inform their supervisors or their department directors of the dating relationship will be subject to disciplinary action up to and including termination.

2-6.C. Transfers

If a supervisor and/or department director determine that a dating relationship is adversely impacting the work environment, then one and/or both of the parties may be asked to accept a transfer to another department and/or resign. The party involved will have thirty (30) days to request a transfer to another open position for which he/she is qualified. The department director shall have up to an additional thirty (30) days to review the transfer request and propose alternatives. This period may only be extended after consulting with the Assistant Director of Human Resources. If a transfer is not available or the applicant is not the most qualified person for the position, then either or both of the parties may be terminated. The decision of whether a relationship is adversely impacting the workplace environment is left to the sole discretion of the supervisor and/or department director.

The department director with the open position shall have the sole authority and discretion to determine whether a person applying for a transfer is qualified for the open position.

2-9. SEPARATION FROM EMPLOYMENT

2-9.A. Types of Separation from Employment

Separation from employment is an inevitable part of employee activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment ends:

- Resignation: voluntary employment separation initiated by an employee.
• **Termination:** involuntary employment separation initiated by the organization.

• **Layoff:** involuntary employment separation initiated by the organization for non-disciplinary reasons.

• **Retirement:** voluntary employment separation initiated by an employee meeting age, length of service, and any other criteria for retirement from the organization.

See Employee Handbook Section 8-4 for information regarding employee benefits upon termination.

### 2-10. WORK SCHEDULES

It is the policy of the City to establish the time and duration of the workday as required by workload and production flow, public service needs, efficient management, and any applicable laws.

#### 2-10.A. Schedules for Employees throughout the City

- The City's standard hours of operation are 8:00 A.M. to 5:00 P.M., Monday through Friday.

- The City’s standard workweek is from 12:00 A.M. Monday through 11:59 P.M. Sunday. Assigned hours of work vary by department and position to meet department goals and schedules, except for firefighters and police officers. Civilian employees of the Fire Department and Police Department shall fall within this policy.

- Supervisors will advise employees of their individual work schedules.

- Staffing needs and operational demands may necessitate requirements and/or variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

- Employees must adhere to their assigned work schedules or be subject to disciplinary action.

- All full-time employees who work the standard City hours of operation will have 30 minutes of paid break time to be divided equally between morning and afternoon. In all other situations, department directors will establish the break policies for their departments. Employees in similar work situations should receive uniform treatment concerning break policy.

- Departments authorize rest and meal periods that accommodate their business needs. Each department is responsible for scheduling rest and meal periods for non-exempt employees, considering the workload and nature of the job performed.

- Rest and meal periods normally should not be taken at the beginning or end of the workday to change the reporting and/or quitting time.

#### 2-10.B. Flexible Working Time

Flexible working time is the restructuring of the working hours within the standard workweek (Monday through Sunday) and is subject to department director approval.
Departments establish work schedules that accommodate their individual business needs. Supervisors will inform employees of their work schedules, including days, hours of work, and designated rest and meal periods at the time of hire or transfer. Employees are not authorized to change work schedules without the prior approval of their supervisors.

Work schedules for any employee may be altered by the department as necessary to accommodate the workload or to accommodate employee needs.

Departments may establish and document a compressed work schedule that allows a non-exempt employee to work more than eight hours per day over the course of less than five days per workweek on an ongoing basis.

2-11. SMOKING AND TOBACCO USE AT WORK

In keeping with the City of Olathe's intent to provide a safe and healthful work environment, smoking and tobacco use are prohibited throughout most areas of the employee’s work environment.

This policy also implements procedures in compliance with City of Olathe’s Municipal Code, Chapter 6.20, involving the prohibition of smoking and the carrying of lighted smoking materials in places of employment and certain areas commonly used by and open to the general public in order to protect the health, safety, and welfare of City of Olathe employees and the community. The use of smoking materials shall be prohibited in City of Olathe owned, rented, leased, or borrowed facilities and vehicles at all times.

Consistent with the Olathe Municipal Code, Chapter 6.20, “smoking” includes the use of an electronic or battery-powered vaporizer (such as e-cigarette/electronic cigarette) that simulates tobacco smoking by producing an aerosol that resembles smoke.

Non-Smoking Facility Posting

The Facility Maintenance Division shall post, or cause to be posted in a conspicuous place, signs clearly stating that smoking is prohibited by state law and City ordinance.

Smoking at Work

Smoking by an employee is not permitted at any work station; within ten feet of any work station entrance, door, open window, or ventilation system; inside any City of Olathe owned, rented, leased, or borrowed facility; in or on any City of Olathe owned, rented, leased, or borrowed vehicle.

Smokeless Tobacco

The use of smokeless tobacco is discouraged and may be prohibited based on job requirements.

Department directors shall be responsible for adapting this policy as needed. Supervisors have responsibility for policy implementation within their work area.

Violation of this policy may result in disciplinary action up to and including termination.

2-12. ALCOHOL AND DRUG USE

Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the City of Olathe premises and while conducting business-related activities off the City of Olathe premises, no employee may use, possess, distribute, sell, manufacture, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on-the-job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. It is an employee’s responsibility to notify his/her
supervisor if any prescription medication negatively impacts the ability to safely perform job duties.

2-12.A. Employee Assistance Program

The City of Olathe encourages any employee with a drug or alcohol problem to contact his/her supervisor or the Human Resources Department for assistance. The City of Olathe is eager to help employees and will, at the employee's request, refer him/her to an appropriate agency or clinic for professional assistance. The City of Olathe maintains an Employee Assistance Program (EAP), which may be confidentially used by employees who need assistance in overcoming alcohol and/or drug problems. Employees may also use their group health insurance program to assist with the cost of attending a drug and/or alcohol rehabilitation program.

Employees will not be subject to discipline for voluntarily acknowledging their drug/alcohol problems. However, this will not excuse violations of the Drug and Alcohol Policy for which the employee is subject to discipline. Employees who voluntarily enter a drug/alcohol rehabilitation program will be placed on leave and will be reinstated to their regular position when they are able to perform their essential job functions, provided that business operations allow for the employee’s absence for the period needed to complete the rehabilitation program.

2-12.B. Testing for Alcohol and/or Drugs

Applicants for employment and employees of the City of Olathe will be subject to alcohol and/or drug testing under the following circumstances:

- **Employment:** All prospective regular employees must pass a drug screening test as part of their pre-employment physical examination.

- **Change of Position:** Any employee who is assuming a position of police officer or firefighter with the City of Olathe will be required to pass a drug-screening test prior to movement into that position.

- **Reasonable Suspicion:** Any employee whose actions or performance lead to a reasonable suspicion by the supervisor or management that he/she may be under the influence of alcohol and/or drugs will be tested for such substances. Reasonable suspicion means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs and/or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

  - A pattern of abnormal or erratic behavior.

  - Information provided by a reliable and credible source.

  - Direct observation of drug or alcohol use.

  - Presence of physical symptoms and indications, such as, but not limited to: glassy or bloodshot eyes, alcohol on breath, marijuana odor on clothes, slurred speech, or poor coordination.

  - A work-related accident when the employee shows any of the signs of intoxication or being under the influence as identified above.

  - **Accident or Safety-Related Incident:** Any employee involved in an accident or safety-related incident in which there is a reasonable suspicion to believe and/or the employee
shows any of the signs of intoxication or being under the influence as identified above.

- **Post Treatment or Rehabilitation:** Any employee who has been sent to and completed a treatment or rehabilitation program for the use of drugs will be subject to random testing for a period of up to one year following the successful completion of the program. The testing dates will be arranged by the Human Resources Division after consulting with the employee’s director, manager, or supervisor.

### Substances for Which Testing May Be Done

When alcohol and/or drug testing is required under the provisions of this policy, a test will be given to detect the presence of the following classes of substances and their metabolites:

- **Alcohol (ethyl).**
- **Amphetamines (e.g., speed).**
- **Cocaine.**
  - **Opiates (e.g., codeine, heroin, morphine, hydromorphone, hydrocodone).**
  - **Phencyclidine (PCP).**
  - **Cannabinoids (e.g., THC, marijuana).**

In addition, the City of Olathe may at any time require testing for any drugs covered by The Kansas Controlled Substance Act (K.S.A. 65-4101 et seq.).

### Consent

Before a drug or alcohol test is administered, employees and job applicants must sign a consent form authorizing the test and permitting release of test results to those City of Olathe officials with a need to know (all minors must have a release signed by a parent or guardian). Applicants who refuse to submit to a drug test or whose drug test is positive will not be considered for employment for one year. Employees who refuse to submit to a drug and/or alcohol test will be terminated.

### Collection Procedures

Drug testing will be done using a urine sample, and a breathalyzer will normally be used to test for alcohol. All samples will be taken at and tested in facilities approved by the Human Resources Department. Every reasonable effort will be made to protect the privacy rights of individuals while minimizing the potential for tampering.

A chain of custody procedure will be used to assure the security of the urine samples through the collection and testing process. During normal working hours Monday through Friday, urine samples will be collected at a site approved by the Human Resources Department. After hours and on weekends, samples will be collected at the emergency room of the Olathe Medical Center.

### Alcohol Testing

When an employee's immediate supervisor and department director have reasonable suspicion that an employee is under the influence of alcohol, they must document the employee’s behavior that led to the reasonable suspicion and then transport the employee to an approved medical facility. The medical provider will request that the employee complete a consent form and a breathalyzer test. The test results will be provided to the City’s Assistant Director of Human Resources for inclusion in the employee’s medical file.
Drug Testing

When an employee's immediate supervisor and department director have reasonable suspicion that an employee is under the influence of illegal drugs, they must document the employee’s behavior that led to the reasonable suspicion and then transport the employee to an approved medical facility. The medical provider will request that the employee complete a consent form and give a urine sample for drug testing. Once a urine sample has been collected, an approved laboratory will conduct the initial drug screening test using enzyme-multiplied immunoassay technology (EMIT). The test results will be provided to the Assistant Director of Human Resources for inclusion in the employee’s medical file. If the initial screening is positive, a confirmatory test will be conducted using gas chromatography/mass spectrometry (GC/MS) techniques. All confirmed positive test results will be sent to the approved medical review officer (MRO) for further examination, interpretation, and explanation.

If it is determined that there is a legitimate medical explanation for the positive test result and that the result is consistent with the lawful use of a drug, then the test result shall be reported to the Assistant Director of Human Resources as negative. If it is determined that the test result is not consistent with the lawful use of a drug, then the test result shall be reported to the Assistant Director of Human Resources as positive. Employees who have a positive drug test result may, at their own expense, have the same sample tested at a laboratory of their choice providing it is NIDA certified.

2-12.C. Responsibilities

Employee Responsibilities

- Come to work free from the influences of alcohol and drugs and not within four hours of drinking alcohol.

- Notify supervisor when taking a prescription or nonprescription drug which may hamper job performance.

- Notify supervisor when there is evidence or reasonable suspicion of drug and/or alcohol use by another employee.

- Sign an alcohol/drug consent form when requested to do so by supervisor or member of management.

- Report for and submit to a drug and/or alcohol test when asked to do so by supervisor and/or management.

- Notify his or her supervisor or Human Resources, in writing, within five (5) calendar days, if the or she is convicted of violating a criminal drug statute. For the purposes of this policy, a conviction includes a plea of nolo contendere, a plea in abatement, diversion agreement, and any other agreement wherein the employee admits to the elements of the crime in agreement that the charges will be dismissed should the employee meet conditions established by the prosecuting attorney. Any employee who is convicted of violating a criminal drug statute must satisfactorily complete the Employee Assistance Program described in Employee Handbook Section 2.17.B, to the extent consistent with the remedies for law enforcement employees set forth in Employee Handbook Section 2.71.E.

- Ensure they do not smell like alcohol or an alcoholic beverage. (Does not apply if the odor is related to a medical condition.)

Supervisor and Department Director Responsibilities
Encourage employees to voluntarily seek help through the EAP prior to the occurrence of a job-related incident.

If an employee appears to be unfit for work due to the possible use of drugs and/or alcohol, immediately relieve that employee from duty.

Request the presence of the department director or other supervisor designee to confirm the observable behavior where possible.

Record the observable behavior which led to a reasonable suspicion that this employee may be under the influence of alcohol and/or drugs.

With the department director's or designee's approval, request the employee to sign a drug/alcohol testing consent form. If the employee refuses to sign, explain that such action is grounds for termination.

If alcohol testing is needed, contact Human Resources for assistance. If drug testing is needed, transport the employee with the signed consent form to the approved testing facility.

Provide for random testing of employees who have been sent to and completed a drug rehabilitation program or who qualify as described above.

Report any employee criminal drug statute convictions for violations occurring in the workplace to the Assistant Director of Human Resources, or designee.

Ensure that proper confidentiality is exercised.

**Human Resources Division Responsibilities**

- Schedule prospective employees for drug testing in conjunction with pre-employment physical examinations.
- Notify hiring supervisors of any prospective employees who have failed to pass the drug test.
- Provide training for supervisors in identifying and handling employees who may be under the influence of alcohol and/or drugs while on the job.
- Report to the federal government, within ten (10) days of receiving notice, any criminal drug statute convictions of employees for a violation occurring in the workplace.
- Ensure that proper confidentiality is exercised.
- Schedule all random drug tests required under this policy.

**2-12.D. Consequences**

Employees who are found in violation of this policy may be subject to the following:

- **Alcohol**: All employees found to have a blood-alcohol concentration of 0.08% or more
(or its equivalent as determined by a diagnostic test such as a breathalyzer) while on City of Olathe property or on City of Olathe business may be referred to the EAP and required to complete an approved rehabilitation program. Upon completion of an approved rehabilitation program, employees may be placed on probation for 12 months, and shall be subject to random testing while on probation. If the employee violates any rules set forth in this policy during the probationary period, he/she shall be terminated. Failure to successfully complete the rehabilitation program will be grounds for termination. The remedies set forth in this subsection do not exclude application of the disciplinary actions set forth in Employee Handbook Section 5.

- Employees with a blood-alcohol concentration of less than 0.08% (or its equivalent) shall be handled on a case-by-case basis by their respective department director and Human Resources.

- **Drugs**: All employees, except sworn police officers, who test positive for the presence of illegal drugs, may be referred to the EAP and required to complete an approved rehabilitation program. In addition, they may be placed on probation for 12 months. If the employee violates any rules set forth in this policy during the probationary period, he/she shall be terminated. Employees who have successfully completed a rehabilitation program will be required to submit to random drug testing for a period of one year. Random drug tests will be scheduled by the Human Resources Department after consulting with the employee’s department director, manager, or supervisor. After rehabilitation, an employee who again tests positive for the presence of drugs and/or alcohol will be terminated from employment. The remedies set forth in this subsection do not exclude application of the disciplinary actions set forth in Employee Handbook Section 5.

- Any law enforcement employee who tests positive for the presence of illegal drugs, because of their oath of office and/or duty to uphold the law, will be reviewed on a case-by-case basis by the Chief of Police and Assistant Human Resources Director.

- Employees who are found using, possessing, buying, or selling drugs while on the job will be terminated.

- Employees who tamper with a sample or attempt to deceive the City of Olathe during the testing process will be terminated.

- Employees who refuse to sign the consent form and submit to a drug and/or alcohol test when requested to do so will be terminated.

**2-12.E. Drug Paraphernalia**

Employees are prohibited from bringing drug paraphernalia onto City of Olathe property at any time. An employee who possesses or distributes such paraphernalia while on City of Olathe property shall be subject to disciplinary action up to and including termination. In addition, the police will be called, and any person found carrying illegal drug paraphernalia may be arrested.

**2-12.F. Over-the-Counter or Prescribed Medication**

Employees who take over-the-counter or prescribed medication are responsible for being aware of any effect the medication may have on the performance of their duties and must promptly report to their supervisors the use of any medication that may impair their ability to do their jobs. The supervisor, upon learning of a medication that may impair an employee, will immediately contact the Human Resources
Division to discuss the situation. An employee who fails to do so shall be subject to disciplinary action up to and including termination.

2-12.G. Progressive Discipline Not Applicable
Violations of this policy may lead to disciplinary action up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

2-12.H. Confidentiality
All information from an applicant's or employee's drug/alcohol test is confidential, and only those persons who need to know for disciplinary or other employment-related purposes are to be informed of test results. Laboratory reports and other information of this nature will be contained in a separate, confidential, physical record file that will be securely kept under the control of the Human Resources Division. The reports or test results may be disclosed to City of Olathe management on a strictly need-to-know basis and to the tested employee. Disclosures without employee consent may also occur when:

- The information is compelled by law or by judicial order or administrative process.
- The information has been placed at issue in a formal dispute between the employer and employee.
- The information is to be used in administering an employee benefit plan (group statistics only).
- The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

2-12.I. Notification and Training
Human Resources will establish a drug-free awareness program to make employees aware of (a) the dangers of drug abuse in the workplace; (b) the policy of maintaining a drug-free workplace; (c) any available drug counseling, rehabilitation, and employee assistance programs; and (d) the penalties that may be imposed upon employees for drug abuse violations.

The Human Resources Division will develop a program for training supervisors in identifying alcohol and drug use among employees. Such training will be directed toward helping supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of alcohol and drug use. The Human Resources Division will also develop a program for relevant training (e.g., CDL drivers) in avoiding alcohol and drug use. Such training will be directed toward helping employees understand the severe consequences of alcohol and drug use.

2-12.J. Adherence to Federal Regulations
This policy is consistent with the Drug Free Workplace Act of 1988, which requires employees to notify the City of Olathe of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.

2-17.K. Policy for Commercial Drivers
The alcohol and drug policy for employees who drive commercial vehicles within the scope of City employment is contained in Appendix A: Alcohol and Drug Policy for CDL.
2-13. WORKPLACE VIOLENCE PREVENTION

2-13.A. The City of Olathe is committed to providing a safe, violence-free work environment for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual and prohibit them from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the work environment or at City-sponsored functions.

City employees are expected to be able to serve angry, upset, or otherwise disgruntled customers and the general public with patience, courtesy, and respect; however, no employee is required to tolerate physical or verbal threats to his/her own safety. Further, it is a goal of the City to maintain a work environment that provides for respectful conflict resolution.

The City assumes the initiative for maintaining a safe work environment. Each department director is charged with the coordination, development, and maintenance of appropriate procedures for addressing workplace violence relevant to the functions of that department. These include the procedures for prevention, securing work areas, incident reporting, and incident response.

This policy prohibits retaliation against an employee who brings a complaint of violent, threatening, or intimidating behavior. The employee will not be adversely affected in terms and condition of employment or discriminated against or terminated because of the complaint.

This policy does not preclude other legal options available to the City, including criminal charges.

2-13.B. Possession of Firearms by Employees in the Workplace

This Policy addresses firearms as defined and intended by the Kansas Personal and Family Protection Act (the “Act”), K.S.A. 75-7c01 through 75-7c23, and the carrying of firearms in the workplace by employees. Other weapons are addressed in the Weapons at Work Policy (Section 2-20.C of this Handbook). Each employee is expected to have knowledge and understand all applicable policies and to be aware that there is a separate policy addressing all other weapons.

In accordance with the Act, the term “firearm” means “(1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or (2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.” This definition includes, but is not limited to, handguns, pistols, and revolvers.


The City prohibits all employees who enter a City building which: (a) displays signs prohibiting firearms and maintains adequate security measures, or (b) is a secure area of a law enforcement agency, from carrying a concealed or open firearm into such buildings.

Police, fire investigators, any employee commissioned by the Olathe Police Department and any other employee that must carry a firearm in accordance with his/her job description are exempt from this provision. Those exempt employees shall follow all department regulations relating to firearms. The workplace violence provisions of this Handbook are applicable to all employees, regardless of exemption.
This provision shall also not apply to Historical Sites Division employees and volunteers engaged in the delivery of public and educational programs using firearms appropriate to teach about historical activities who are approved to deliver such programs by the Director of the Department of Parks & Recreation.


Fire investigators, commissioned officers of the Olathe Police Department, and any other employee who must carry a firearm in accordance with his or her job description are permitted to carry a concealed firearm within the course and scope of their job duties. Any other employee may carry a concealed firearm while engaged in the duties of his or her employment (including while in a City vehicle), but will not be carrying concealed within the scope of their job duties, nor will they be permitted to carry concealed into buildings with the security measures described in Section 2-20.B.1.

An employee is “legally qualified” to carry a concealed firearm if he or she is not prohibited from possessing a firearm under either federal or state law. If an employee is legally qualified and chooses to carry a concealed firearm while engaged in the duties of his or her job, that employee must still adhere to all applicable laws and regulations, including this policy. An employee who chooses to carry a concealed firearm while engaged in the duties of his or her job or while representing him or herself as a City employee must adhere to signage properly posted on public or private property.

An employee’s firearm must be completely concealed at all times, in a proper holster or similar product, with all safety features in place, and must always be in the immediate control of the employee. If an employee must leave his or her firearm unattended, the firearm must be locked in a lockable case or box with its lock engaged, or in a desk area accessible only by key. An employee who stores his or her firearm in a City vehicle during the course of employment must store the firearm in a locked case or box and place the case/box out of plain view from the exterior of the vehicle. It is the responsibility of the employee to purchase the locked case/box at his or her personal expense. The City shall not be responsible for the theft, damage or other loss of a firearm and/or locked case left in a City owned vehicle. An employee’s failure to maintain a firearm in a concealed manner or locked as described in this policy could result in discipline, up to and including termination. An employee will not be in violation of this policy while transferring his or her firearm between his or her person and a locked case or box, or a desk area, as provided in this policy and in accordance with applicable law.

Brandishing, displaying, drawing, handling, or otherwise using a firearm in an unconcealed manner, when not necessary for the protection of the employee or others, will constitute an act of violence in the workplace. Any employee who witnesses a violation of this provision should immediately call 911 and have law enforcement dispatched to the scene. Employees should then notify any available supervisor or manager. Such use of a firearm by an employee will result in discipline of the employee, up to and including termination, and may result in criminal charges. Additionally, such actions may result in denial of the member’s workers compensation entitlements and/or loss of protection through the City’s liability insurance program. Any employee that is aware of another employee’s violation of this provision and intentionally fails to notify proper authorities may face disciplinary action.

Retaliation against any employee for reporting (in good faith) a violation of this Policy or participating (in good faith) in an investigation pertaining to this Policy is strictly prohibited. An individual who knowingly alleges a false claim against another, or who provides false, incomplete, or misleading information during an investigation, may be subject to discipline, up to and including termination.

2-13.B.3. Discharge of Firearms in the Workplace
Unless authorized under Section 9.12.050 of the Olathe Municipal Code, in the event that a City employee discharges a firearm at work, the Police Department shall investigate the discharge and file a report of the investigation with the City Manager (or designee). Based on such report, the City Manager (or designee) will determine whether it constitutes grounds for disciplinary action, up to and including termination. Final determination of appropriate disciplinary action shall be in accordance with the procedures set forth in Section 5 of this Employee Handbook. The discharge of a firearm at work may also result in criminal charges.

The City will not be liable for any incidents involving a firearm, any loss or theft of a firearm, or any misuse of a firearm. Furthermore, it is the sole responsibility of an employee who carries a concealed firearm at work to properly conceal and carry his or her firearm. The City will not be liable for any employee’s failure to follow these provisions. It is the responsibility of all employees to approach management concerning any questions with respect to the City’s policy concerning firearms at work, discharge of firearms at work and violence at work.

2-13.C. Weapons at Work Policy

All federal and state laws and City ordinances will be enforced regarding weapons and weapon-related threats or acts of violence. Employees in the course of their employment who do not comply with such laws and ordinances will be subject to discipline up to and including termination, and possible legal action.

For the purposes of this Policy, “weapons” or “weapon” include, but are not limited to, air guns, BB-guns, pellet guns, rifles, shotguns, spring guns, and the like; starter pistols and other simulated weapons; clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including nunchucks, throwing stars, and the like; and any item carried with the intent or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public, including without limitation, pepper spray, mace, and such other personal defense sprays; nor does it include firearms as defined in and addressed by Section 2-20.B. (the Possession of Firearms by Employees in the Workplace Policy). Knives (defined as cutting instruments, including a sharpened or pointed blade, a dagger, dirk, switchblade, stiletto, straight-edged razor or any other dangerous or deadly cutting instrument of like character) are also excluded from the definition of “weapons” under this policy. Weapons, as defined in this policy, are prohibited on City property, in City buildings, in City vehicles, and wherever City business is conducted.

For purposes of this Policy, any utility knife or cutting tool used on-the-job shall be used only for that job requirement. Kitchen knives used for food preparation should be used appropriately and kept in appropriate storage areas.

Any authorized tool an employee uses to conduct his/her job duties (including, but not limited to, standard issue gear for Police and/or Fire Department employees) shall be used solely for the purpose of the job and not used to threaten or harm self, others or property in the workplace.

2-13.D Imminent Threat Procedures

Any employee who believes in good faith that any person poses an imminent threat is required, when it can be done safely, to activate security measures (e.g. call 911, pull fire alarm) for his/her department/agency. Employees should then notify any available supervisor or manager.
Any employee who believes in good faith that a co-worker or elected or appointed official is in possession of a weapon in violation of this Weapons at Work Policy is required to immediately call 911 to notify law enforcement. Employees are advised to activate facility security measures if they believe a situation poses imminent danger.

Retaliation against any employee for reporting (in good faith) a violation of this Policy or participating (in good faith) in an investigation pertaining to this Policy is strictly prohibited.

2-13.E Employee Responsibilities

Employees must take responsibility for their own safety, must not take unnecessary risks, and:

- Recognize there is always potential for violence.
- Attend safety training.
- Be prepared with a safety plan.
- Identify violent/potentially violent individuals. Report threats and potential threats to law enforcement.
- Notify supervisor and law enforcement if he or she becomes a target of a threat of physical harm.

In a situation with an unknown individual, assume that the person could be dangerous until either experience with the individual or assessment proves otherwise. Supervisors and managers should evaluate any concern/complaint with an assessment of potential violence and the actions which may help to avoid violence.

2-13.F Action Following a Workplace Violence Incident

Report

Employees should report all incidents of workplace violence to a supervisor, their Human Resources Business Partner or Human Resources. This should occur if another employee makes a threat of physical violence or if they perceive a potential for violence, even if the violence did not occur (e.g., a sufficient number of warning signs, actions, or level of emotion suggesting violence might have occurred). If an employee is physically injured during an incident of workplace violence, the employee should report using an Online Employee Incident Report form.

Human Resources Responsibilities

- The Assistant Director of Human Resources or designee shall coordinate the Workplace Violence Program.
- If the supervisor is the aggressor, contact your Human Resources Business Partner or Human Resources immediately.

Supervisor Responsibilities

- Immediately contact law enforcement!
• Assist the employee in obtaining necessary medical treatment, if appropriate.

• Administer to the needs of and obtain name and contact numbers of bystanders and witnesses as available.

• Assist the employee with filling out necessary report forms relating to the incident.

• Encourage employees to seek support, and refer the employee to the EAP as appropriate.

• If necessary, assess potential options for temporary modifications to employee workload while affected employees recover from the incident. Supervisors should consider short-term reassignment when the supervisor and employee determine that an antagonistic relationship exists between the employee and an individual.

• Review, plan, and make changes for reduction of future incidents. Document relevant incidents and take appropriate disciplinary action (see Employee Handbook Section 5).

• Consult Human Resources or the City Attorney’s Office for further assistance.

Department Director Responsibilities

• Review incident, when appropriate, and work with supervisor to determine appropriate disciplinary action.

Employee Responsibilities

• Call 911 in an emergency! Get immediate medical help if physical injury has occurred.

• Notify supervisor. If supervisor is not available, follow the departmental chain of command to report the incident.

• Discuss the incident with supervisor, and fill out an Online Incident Report form.

Continue to get the medical help and/or the support needed to completely recover from the incident. Recognize that this may take time. The City has an EAP resource available for critical incident counseling. The Police Department also offers a peer counseling service.

2-13.G Threat Assessment Task Force

The Assistant Director of Human Resources or designee will convene, when deemed necessary, a meeting of a Threat Assessment Task Force to assess serious threats and determine the proper course of action and intervention. The Threat Assessment Task Force is composed of:

• The Assistant Director of Human Resources or designee.

• The City Manager or designee.

• The City Attorney or designee.

• The Police Chief or designee.
• Contracted City Physician or designee when appropriate.

2-13.H Application
This policy/procedure is for City use in implementing our employee policies. The City of Olathe policy shall not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims and civil litigation. Violations of this policy/procedure will only form the basis for internal disciplinary action.

2-14. ATTENDANCE AND PUNCTUALITY
To maintain a safe and productive work environment, the City of Olathe expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City of Olathe. Poor attendance and excessive tardiness place a burden on other employees and the City. Either may lead to disciplinary action up to and including termination.

• In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence (within 30 minutes of beginning shift).

• Employees who miss three (3) consecutive workdays without notifying their supervisor will be considered a “no call, no show” and be voluntarily terminated for job abandonment and removed from payroll.

• Employees who miss three (3) consecutive workdays due to illness may be required to provide a healthcare provider’s note to return to work.

See: Employee Handbook Section 7, Leave of Absence for more information.

2-15. USE OF CITY FACILITIES, EQUIPMENT, AND MATERIALS
All City-owned or leased facilities, buildings, equipment, motor vehicles, tools, supplies, materials, keys, ID cards, uniforms, and other items are for the express purpose of carrying out City services. No employees or agent of the City will use any City-owned facility, building, equipment, motor vehicle, tool, supply, material, or other item of value for their personal benefit or for the personal benefit of any other individual unless such action is required in the performance of official duties.

Employees and their Supervisors are responsible for the care and return of City property during, as well as at the termination of, employment. The use and care of City computers, cellular phones and technology services are governed by other policies, which are found on the City’s Intranet. Please refer to the Information Technology (IT) Department’s Policies and Procedures Manual for all information governing the use of City computers and City of Olathe Administrative Guideline A-03, Policy for Use of Wireless Devices for City Business for specific guidelines on use of cellular phones.

2-16. RESIDENCY REQUIREMENTS
Employees do not have to be residents of the City of Olathe, except in any instance where residency is required to conform to City ordinance or state law, or unless the position specifies otherwise. Public safety employees may be subject to certain residency or response time requirements, and they will be advised of those requirements. Residency within the City limits is certainly encouraged.
2-17. SUPPLEMENTAL DEPARTMENT RULES

Each department director may supplement these policies with policies which are uniquely particular or applicable only to his/her department. Department directors are prohibited from issuing any policy that conflicts with the rules declared in this handbook. Department directors should forward a copy of any proposed policies to the Assistant Director of Human Resources for review and approval. Violations of these supplemental policies will result in disciplinary action up to and including termination.

2-18. ENFORCEMENT

Any employee who violates any provisions of the City ordinances or these policies will be subject to disciplinary action up to and including termination.

2-19. PROVIDING EMPLOYEE REFERENCES

Employees and supervisors may provide personal letters for employment reference. However, such letters shall not be written or typed on City stationery, as views contained in such letters may not represent the City’s official position.

2-20 SOLICITATION

Department Directors or their designees are authorized to prohibit solicitation and/or distribution of advertisements on City property.

2-21 POLITICAL ACTIVITY

City of Olathe employees are encouraged to exercise their right to vote in all elections. City employees are prohibited from engaging in the following activities:

- Running as a candidate for any elected office of a political subdivision.
- Serving on any boards, commissions, or committees of a political subdivision, without prior approval from the City Manager or designee.
- Soliciting any political contributions during on-duty time, or during off-duty time while in a work-setting.
- Using City property, equipment, supplies or other resources (including phones, mail, photocopiers, email accounts, stationary, etc.) for political or electoral advocacy.
- Displaying any political badges, buttons, or signs related to any political election or issue on their persons during on-duty time, or during off-duty time while in a work-setting.
- Stating or implying, verbally or in writing, that they speak for the City of Olathe on a political or electoral issue, without express authorization.
- Wearing clothing or other items that identify them as employees while participating in political activities.
SECTION 3: PAY AND PERSONNEL ACTIONS

3-1. PAY POLICY

Excellence in public service first requires exceptional staff, which means the City has to be able to attract, motivate, and retain exceptional people.

This program will be administered without regard to age, color, creed, mental or physical disability, national origin, race, LGBTQ, religion, or gender.

3-5. FAIR LABOR STANDARDS ACT (FLSA) STATUS

Exempt status is determined based on the provisions of the FLSA.

The Human Resources Department evaluates position guides to determine whether positions meet qualifications for exempt status pursuant to the FLSA. Positions may be evaluated or reevaluated anytime at the request of the employee, the department, or the Human Resources Department.

The Human Resources Department must designate all positions as exempt or non-exempt prior to posting the position or placing an employee in the position. Exempt or non-exempt status determinations are documented on the Position Guide Form.

3-6. OVERTIME, COMPENSATORY (COMP) TIME, AND ALTERNATIVE SCHEDULES

Employees will be paid in accordance with FLSA regulations regarding overtime payments and comp time off.

3-6.A. Overtime

- Overtime work must be approved in advance by the employee’s department director or supervisor.
- Most non-exempt employees will be paid one and one-half times their regular rate of pay for each hour worked in excess of 40 hours during the official workweek.
  - “Hours worked” is defined to include actual hours worked, vacation leave, sick leave, and comp time.
- The official workweek for all City employees begins at 12:00 A.M. on Monday morning and ends at 11:59.59 P.M. on Sunday night.
- Fifteen minutes is the minimum amount of time used in computing overtime. For the purpose of computing time worked less than one full hour, minutes will be rounded to the nearest quarter hour.
- Employees whose positions are classified as "exempt" will not be compensated for overtime work.
- Overtime work must be approved in advance by the employee’s department director or supervisor.
- A department director or supervisor may require an employee to work overtime when so required by operational necessity.

3-6.C. Alternative Schedules
This type of scheduling commits an employee to working a specified number of hours per workweek, but offers flexibility in regard to the starting and ending times for each day. Department directors may elect to use alternative schedules to allow employees more input in establishing their days and hours of work.

Department directors may dictate the conditions and circumstances in which alternative schedules may be used. The use of alternative schedules does not eliminate the obligation to provide non-exempt employees with overtime compensation for hours worked in excess of 40 during a workweek.

3-7. WORKWEEK/WORKDAY

It is the policy of the City to establish the time and duration of the workday as required by workload and production flow, public service needs, efficient management, and any applicable laws.

Full-time work schedules for non-exempt full-time employees will typically include 40 hours per workweek. The City may require employees to work overtime.

Exempt employees are not required to have a specific work schedule, but a supervisor may establish a work schedule for an exempt employee, particularly if the position requires the employee to be on-site during normal business hours. Exempt employees are expected to work the number of hours necessary to perform the duties and responsibilities of their job.

3-8. TIME RECORDS

It is the policy of the City of Olathe to comply with applicable laws (e.g., Fair Labor Standards Act) that require records to be maintained of the hours worked by our employees. Per the FLSA, the City shall preserve for at least 3 years payroll records from the last date of entry, all payroll or other records containing the employee wage and hour information and data. Employee timesheets are used for this purpose.

Each individual department will report all employee payroll information to the Accounting Division of Strategic Financial Management in accordance with guidelines established by the City. The department time record is the City’s official time recording document for the purposes of the FLSA, and these records must be maintained by the City for five years for audit purposes. The City may periodically conduct audits of time records to ensure compliance.

Non-exempt employees should ensure that actual hours worked and leave time taken are recorded accurately. The supervisor should be notified if there are any errors on the employee’s timesheet. Falsification of a time record is a breach of City policy and is grounds for disciplinary action up to and including termination. At the end of each pay period, all timesheets must be approved by the employee and the designated supervisor.

3-9. PAY ADMINISTRATION

It is the policy of the City to pay employees on a regular basis by direct deposit, or pay card if specifically requested, and in a manner so that the amount, method, and timing of wage payments comply with applicable laws and regulations. Legally required deductions (Medicare, Income Tax, etc.) will be made from an employee’s. Employee wages will not be advanced.

Overpayments or underpayments in paychecks should be brought to the attention of the Human Resources Department and the Accounting Division of Strategic Financial Management.

Paychecks will cover the work (pay) period that ended five calendar days prior to the receipt of a paycheck. Wages are paid on a bi-weekly basis (every other Friday) and cover a pay period of two full workweeks. If a scheduled payday falls on an observed holiday, employees will be paid on the day preceding the holiday.
SECTION 4: PERFORMANCE MANAGEMENT

4-1. GENERAL GUIDELINES

City of Olathe employees set the “standard for excellence in public service” through regular and consistent performance management. Supervisors and employees are expected to discuss job performance and goals on both a formal and informal basis.

The City of Olathe is committed to competitive compensation for seasonal and temporary employees. The City’s policy is to allow no more than one salary increase per season of the calendar year, not to exceed the average of the career bank increase for the same year.

With the exception of those employed by amusement or recreational establishments (i.e. aquatic workers), seasonal and temporary employees will receive overtime paid at one and a half times the employee’s hourly rate for hours worked in excess of forty (40) in a week. Aquatic workers are not eligible for overtime but will be paid straight time for all hours worked in accordance with the exemption for seasonal amusement or recreational establishments provided by section 13(a)(3) of the Fair Labor Standards Act (FLSA).
Fact Sheet #18: Section 13(a)(3) Exemption for Seasonal Amusement or Recreational Establishments Under the Fair Labor Standards Act (FLSA)

The FLSA requires that most employees in the United States be paid at least the federal minimum wage and overtime pay at time and one-half the regular rate of pay after 40 hours in a workweek. In addition, the law includes youth employment and recordkeeping provisions. However, the Act provides some specific exemptions from these requirements for employees employed by certain establishments and in certain occupations. This fact sheet provides general information concerning the application of the Section 13(a)(3) exemption from minimum wage and overtime pay to seasonal and recreational establishments under the FLSA.

Some State wage laws may not recognize or permit the application of this exemption, and since an employer must comply with the most stringent of the State or Federal provisions, it is strongly recommended that State laws be reviewed prior to applying this exemption.

General Provisions of Section 13(a)(3)

Section 13(a)(3) provides an exemption from the minimum wage and overtime provisions of the FLSA for "any employee employed by an establishment which is an amusement or recreational establishment, if (A) it does not operate for more than seven months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3% per cent of its average receipts for the other six months of such year."

Tests for the Exemption

(a) An "amusement or recreational establishment" will be exempt under Section 13(a)(3) of the Act if it meets either Test (A) or Test (B) as explained in the following paragraphs.

(b) "Does not operate for more than seven months in any calendar year." Whether an amusement or recreational establishment "operates" during a particular month is a question of fact, and depends on whether it operates as an amusement or recreational establishment. If an establishment engages only in such activities as maintenance operations or ordering supplies during the "off season" it is not considered to be operating for purposes of the exemption.

(c) 33 1/3 % Test. Because the language of the statute refers to receipts for any six months (not necessarily consecutive months), the monthly average based on total receipts for the six individual months in which the receipts were smallest should be tested against the monthly average for six individual months when the receipts were largest to determine whether this test is met. To illustrate:

An amusement or recreational establishment operated for nine months in the preceding calendar year. The establishment was closed during December, January and February. The total receipts for May, June, July, August, September and October (the six months in which the receipts were largest) totalled $260,000, a monthly average of $43,333; the total receipts for the other six months totalled $75,000, a monthly average of $12,500.

Because the average receipts of the latter six months were not more than 33 1/3% of the average receipts for the other six months of the year, the Section 13(a)(3) exemption would apply.
"Employed by" an Exempt Establishment

For purposes of applying Section 13(a)(3), the general principles set forth in 29 C.F.R. 779.307 - 779.311 apply. Thus an employee, to be exempt, must be "employed by" the exempt establishment. If the concessionaire and host establishment constitute a single establishment, as is usually the case, the tests apply on the basis of all the operations of the establishment, including those of the concessionaire. Central functions of an organization operating more than one such establishment, as in the case of employees of a central office, warehouse, garage, or commissary which serves a chain of exempt "amusement or recreational" establishments would not be within the exemption under Section 13(a)(3).

"Receipts" of a publicly operated amusement or recreational establishment. Section 13(a)(3) contains certain percentage tests for "receipts" of the establishment. As used here, receipts are fees from admissions. A publicly operated amusement or recreational establishment whose operating costs are met wholly or primarily from tax funds would fail to qualify under Section 13(a)(3)(B).

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us
SECTION 5: DISCIPLINARY ACTIONS

5-1. OBJECTIVES

Discipline is used when an employee:

- Has engaged in misconduct.
- Has failed to meet or adhere to expected and/or established City standards and code of conduct.
- Has violated a City policy, rule, or regulation.

Discipline is meant to be corrective and educational, as well as to provide an opportunity for success. Effective discipline should be progressive, but need not be depending upon the violation, and address the employee's unacceptable performance and/or behavior - not the employee. After consulting with the Assistant Director of Human Resources, the department director has the sole discretion to determine whether progressive discipline is warranted or can be bypassed in severity.

Discipline is meant to educate the employee in order to achieve the City’s goals and maintain the integrity and standards of the organization.

5-2. REASONS FOR DISCIPLINARY ACTION

The following circumstances will be a reason for disciplinary action. This list is by way of example and is not intended to be exhaustive. Action may also be taken upon cause and complaints other than those circumstances listed below. An employee’s pay may be affected depending upon the nature of the unsatisfactory performance and/or behavior.

- Any violation of the City's policy regarding use of alcohol and drugs.
- Admission or findings of guilt of a crime when the criminal act either:
  - Affects the employee's ability to perform the duties of his/her position or is related to the duties and responsibilities of the position.
  - Is deemed to be of sufficient quality, quantity, or nature that the department director, after consulting with the Assistant Director of Human Resources, deems disciplinary action is warranted.
- A plea of nolo contendre or plea in abatement, diversion, or any other agreement or matter wherein the employee admits guilt but defers criminal adjudication/recognition of the offense and whereupon the matter is dismissed upon the completion of certain conditions, shall be considered a conviction under the terms of this policy.
- Use of abusive or improper treatment, provided the act was not done in self-defense or to protect the safety of others.
- Offensive conduct, language, or harassment towards the public, City officers, or other employees in any manner, including through social media, pursuant to the City of Olathe’s Social Media Guidelines.
- Bringing inappropriate content of a sexually explicit nature into the workplace, not related to job responsibilities, which includes, but is not limited to: magazines, posters, written communication,
• Insubordination.

• Failure to properly care for or protect City property.

• Violation of any reasonable and lawful directive given by a supervisor.

• Inappropriate behavior unbecoming the position held, including any act or omission which could tend to disrupt the economical or efficient conduct of City business.

• Violation of any City ordinances, policies, rules, or regulations (including department rules and regulations).

• Any attempt to induce any officer or employee of the City to commit an illegal act, to act in violation of any City ordinance or administrative regulation, or to violate the policies contained in this handbook.

• Solicitation or acceptance from any person of any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than is afforded any other person.

• Use or attempted use of political influence or bribery to secure an advantage in an employment decision.

• Absence from duty without leave, contrary to City rules, or failure to report after an authorized leave of absence has expired or after such leave of absence has been disapproved or revoked.

• Excessive absences or inappropriate use of any approved leave.

• Engaging in activities which disrupt or which are intended to hinder or interfere with the efficient work activities of any City function, including a concerted action with others not to report for duty or not to work at usual capabilities in the performance of normal duties.

• Theft of City or another employee's property or misuse of City property.

• Violation of the City's code of conduct.

• Bullying, which could take one or more of the following forms – verbal abuse, threatening, humiliating, or offensive behavior/actions, work interference or sabotage – and which prevents work from being completed.

• Failure to perform assigned duties, neglect of duty, incompetence, inefficiency, or unsatisfactory performance.

• Frequent tardiness.

• Disruptive or uncooperative attitude detrimental to the efficient operation of or best interests of the City.

• Providing false, incomplete, or misleading information during an investigation.

• Violation of the City’s Code of Ethics, Resolution No. 98-1068, as adopted by the City Council.
SECTION 6: APPEALS, DISPUTE RESOLUTION, AND INVESTIGATIONS

6-6. APPEALS OF ALLEGED CIVIL RIGHTS VIOLATIONS

Employees who allege a violation of their civil rights may have the matter investigated pursuant to the City’s Section 2.44.100.
7-1. HOLIDAYS

The City of Olathe observances of holidays are based upon approval by the City Council.

- New Year's Day (January 1)
- Martin Luther King Junior's Birthday (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- 1/2 day for Christmas Eve (December 24)
- Christmas (December 25)
- Floating Holiday (at discretion of City Manager)

7-3.C. Jury Duty

The City of Olathe encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Jury duty pay will be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence up to a maximum of eight hours per day.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the absence. Of course, employees are expected to report for work whenever the court schedule permits.

Compensation received by the employee for jury duty should be reimbursed to the City, with the exception of mileage and other miscellaneous expenses.
7-3.D. Time off to Vote

The City of Olathe encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City of Olathe will grant up to two hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

7-3.E. Military Leave

A military leave of absence will be granted to employees to attend scheduled drills or training or if called to active duty with the U.S. armed services.

Employees will receive partial pay for two-week military training assignments and shorter absences. Each week of such military leave shall be equivalent to the number of regular hours that an employee is scheduled to work within a standard week, but shall not include overtime. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their City normal base compensation and the pay (excluding expense pay) received while on military training duty. The portion of any military leaves of absence in excess of two weeks will be unpaid.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. See Appendix C for extended military service.

7-3.F. Family and Medical Leave

FMLA - Eligibility

In full compliance with the Family and Medical Leave Act (FMLA), the City of Olathe provides eligible employees with unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. In order to be eligible for FMLA protections, an employee shall have worked for the City for at least one year and for 1,250 hours over the previous 12 months. Eligible employees may take twelve workweeks in a twelve month period, calculated backward from the date of leave for:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee’s spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- A qualifying exigency arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member on “covered active duty.”

An eligible employee is entitled to twenty-six workweeks of leave during a single 12 month period,
calculated backward from the date of leave, to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent, or next of kin.

FMLA – Serious Health Conditions
A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. Some common serious health conditions that qualify for FMLA leave include:

- Conditions requiring an overnight stay in a hospital or other medical care facility;
- Conditions that incapacitate for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medical);
- Chronic conditions that cause occasional periods when the employee is incapacitated and require treatment by a health care provider at least twice a year; and
- Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Designation of Leave
Human Resources will preliminarily designate leave as FMLA when it has reason to believe that an employee has taken leave for an FMLA-qualifying reason. In such cases, Human Resources shall notify the subject employee and supervisor of the designation within five days of learning of the absence, through a “Notice of Designation.” If Human Resources learned of the reasons for the absence only after the employee had returned to work, Human Resources may retroactively designate the employee’s as FMLA.

FMLA Concurrent with Other Leave
Time off for workers’ compensation will run concurrently with FMLA time.

FMLA – Health Provider Certifications
Employees requesting family and medical leave related to the serious health condition of the employee or the employee’s child, spouse, or parent will be required to provide a health care provider’s statement verifying the illness, its beginning and expected ending dates, the need for the employee to provide care, and the estimated time required.

FMLA – Notice
Employees must give 30 days of advance notice when the leave is foreseeable. If the leave is not foreseeable, the employee must notify his/her supervisor the same or next business day.

Employees using intermittent leave will be required to contact their supervisors prior to missing work.

Requests for family and medical leave should be in advance for foreseeable events and as soon as possible for unforeseeable events. Requests for medical leave will be evaluated by the Human Resources Department to ensure that eligibility requirements are met. Failure to timely notify the supervisor of the need for medical leave or otherwise inform the supervisor of a medical condition may impair an employee’s legal rights under the FMLA.

All directors, managers, and supervisors must notify the Human Resources Department of any illness, condition, or absence exceeding three consecutive days and for all absences due to intermittent or recurring conditions, including, but not limited to, migraine headaches, asthma attacks, and debilitating
An employee on family and medical leave is requested to provide the City of Olathe as much advance notice as possible of the date the employee intends to return to work so that the return to work can be properly scheduled. Directors, managers, and supervisors should immediately schedule the employee back to work upon receipt of a return to work slip. Any scheduling conflict must be immediately reported to the Assistant Director of Human Resources. Any return to work slip containing a limitation on the employee’s job duties, such as lifting or mobility restrictions, must be approved by the Assistant Director of Human Resources and the appropriate department director or designee.

Military Leave
The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585(a) of the NDAA, amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

- Eligible employee are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty status in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining “any qualifying exigency.” In the interim, employers are encouraged to provide this type of leave to qualifying employees.

- An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained during active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

FMLA – Return to Work
When a family and medical leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, the City of Olathe will assume that the employee has resigned with the effective date of termination as the date the employee should have returned to work.

FMLA – Supplemental Employment
Working a second job while on FMLA and workers’ compensation is subject to approval by the Risk Manager and department director. (NOTE: The Police Department does not approve working a second job during any leave time.)

8-11. DIRECT PAYROLL DEPOSIT

The Direct Payroll Deposit program enables the deposit of all or a portion of an employee's net pay to be made in almost any financial institution (banks, credit unions, etc.) anywhere in the United States. The program allows the employee to split the amount of his/her direct deposit into a maximum of five accounts. Deposits are accomplished through an electronic funds transfer to be available in the employee's designated account on the morning of the normal payday.
8-12. LIFE THREATENING ILLNESSES

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City of Olathe supports these endeavors, as long as employees are able to meet acceptable performance standards.

As in the case of other disabilities, the City of Olathe will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

8-12.A. Confidentiality

Medical information on individual employees is treated confidentially. The City of Olathe will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employees’ medical information. Anyone inappropriately disclosing such information is subject to disciplinary action up to and including termination of employment.

8-12.B. Questions

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Assistant Director of Human Resources for information and referral to appropriate services and resources.

8-13. WORKERS’ COMPENSATION

The City of Olathe is committed to providing a workplace that is free from recognized safety and health hazards. The City takes this responsibility very seriously. Employees are required to immediately notify their supervisor of any injury arising out of or in the course and scope of employment. Failure to notify supervisor, manager, or director in a timely manner of a work-related injury may lead to the denial of benefits and possible disciplinary action. FMLA leave shall run concurrently with workers’ compensation leave.

Weekly Wage Benefits

Temporary Total Disability (TTD) wage benefits are paid by the City's self-insurance program. The amount of pay received may vary depending on circumstances. As a general rule, employees are not entitled to TTD for the first seven calendar days that they are unable to work.

8-15. SAFETY PROGRAM

The City of Olathe has established a written Employee Safety Program, included as Appendix F of this handbook. All employees are expected to follow the safety rules and procedures contained in the Employee Safety Program and any supplements and/or safety procedures established by their department.

8-16. RISK MANAGEMENT MANUAL


Additional sections will be implemented as required by state and federal laws and regulations, City of Olathe ordinances, and as specified by the City of Olathe’s insurance companies.
A copy of this manual can be found on the Intranet and is available from all department directors and department managers.
SECTION 9 - EQUAL EMPLOYMENT OPPORTUNITY  
Section Updated 3/8/2018

9-1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Olathe is an equal opportunity employer that seeks to employ qualified persons without regard to race, color, religion, gender, LGBTQ, national origin, age, sex, sexual orientation, marital status, disability, veteran status or any other characteristic protected by law. We strive to ensure all employees a discrimination-free workplace and have a strong commitment to affirmative action and equal employment opportunities. We value and encourage diversity in our workforce.

9-1.A. Equal Opportunity Officer

The City of Olathe has designated the Human Resources Employee Relations Manager, located within Human Resources, as the Equal Opportunity Officer to coordinate the City of Olathe's efforts in the implementation of its Equal Opportunity Policy and to advise and assist key staff. His/her duties will be the following:

- Conduct departmental reviews as necessary or indicated by reports to determine compliance with the City of Olathe's Equal Opportunity Policy.
- Serve as consultant and resource person to the department directors in the development of recruitment programs, selection procedures, training programs, or other human resources functions to implement the City of Olathe's Equal Opportunity Policy.
- Review concerns regarding violations of this section.

9-2 HIRING AND RECRUITING

The City of Olathe’s Human Resources Division will:

- Recruit personnel in such a manner that clearly demonstrates the City of Olathe's interest in the employment of a diverse workforce.
- Establish communication with educational institutions, organizations, and leaders which encourage referral of qualified diverse applicants for positions that may become available in the City of Olathe government.
- Identify referral sources for diverse candidates in Olathe.
- Consider applicants on the basis of those able to be qualified to perform the job. If diverse applicants have qualifications to perform the job, they shall be given equal consideration for employment with any other applicant.
- Maintain liaison and cooperating with programs providing training for diverse applicants and seeking out opportunities to participate in and/or operate such training programs.
- Develop procedures for monitoring the application flow, final hiring, and disposition of diverse applicants.
9-3. REASONABLE ACCOMMODATION

It is the City’s policy to accommodate qualified employees with disabilities, unless doing so would result in an undue hardship on the City.

Employees should notify their immediate supervisors or Human Resources if they wish to request a reasonable accommodation. If a supervisor or manager determines that an employee has a need or desire for a reasonable accommodation, he or she shall notify Human Resources as soon as possible. Human Resources will evaluate the request and, if applicable, engage in a collaborative process among the employee, supervisor and Human Resources to determine, identify and implement a reasonable accommodation.

9-4. HARASSMENT AND COMPLAINT PROCEDURE

9-4.A. Harassment

The City strives to maintain a working environment that is free from all forms of harassment. It is against the policy of the City, and illegal under state and federal law, for any employee to harass another employee. To that end, harassment of the City of Olathe’s employees in the workplace by management, supervisors, coworkers, or nonemployees is absolutely prohibited.

“Harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, LGBTQ, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

9-4.B. Sexual Harassment

Sexual harassment is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual’s employment or as a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
• Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comments about an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess;

• Displaying sexually suggestive objects, pictures, or cartoons;

• Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;

• Inquiries into one’s sexual experiences;

• Discussion of one’s sexual activities; and

• Off-duty conduct that falls within the above definition and affects the work environment.

9-4.C. Bullying

It is further the policy of the City to maintain a working environment that is free from all forms of bullying. Bullying is a persistent pattern of mistreatment from others in the workplace that causes either physical or emotional harm. It can include verbal, nonverbal or psychological abuse and humiliation. This behavior is not tolerated and could be subject for disciplinary action up to and including termination of employment.

9-4.D. Reporting

All acts of bullying or harassment in the workplace, whether specifically included in the above lists or not, are strictly prohibited by the City of Olathe. Employees who in good faith feel they have been bullied or harassed should immediately report the incident to any of the following: 1) employee’s immediate supervisor, 2) the employee’s department director, 3) designated Human Resources business partner (if applicable), 4) the Assistant Director of Human Resources, or 5) the City’s Legal Department.

9-4.E. Investigation

Any supervisor or manager who becomes aware of possible bullying or harassment must promptly advise the Assistant Director of Human Resources or designee who will handle the matter in a timely and confidential manner.

Any employee determined by impartial investigation to have harassed another employee or applicant for employment will be subject to appropriate disciplinary procedures up to and including termination.

9-4.F. Anti-Retaliation

The City prohibits any form of retaliation against any employee or applicant for employment who has reported sexual harassment or any other harassment or bullying, or any employee who provides information regarding sexual harassment or any other harassment or bullying. Any employee or applicant who feels that retaliatory action has been taken should also immediately report that action to any of the following: 1) the employee’s supervisor, 2) the employee’s department director, 3) the employee’s Human Resources Business Partner (if applicable, 4) the Assistant Director of Human Resources or designee, or 5) the City’s Legal Department.

All complaints will be treated confidentially to the extent practicable for an effective resolution. No individual will suffer adverse employment consequences as a result of making a good faith complaint or taking part in the investigation of a complaint. An individual who knowingly alleges a false claim against another may be subject to the full range of disciplinary action up to and including termination.
APPENDIX A: ALCOHOL AND DRUG POLICY FOR CDL

A-1. PURPOSE

The purpose of this policy is to establish a City of Olathe alcohol and drug program for City of Olathe employees who operate commercial vehicles. The program shall include applicable provisions of the alcohol and drug testing rules adopted by the Federal Highway Administration (FHWA) for persons who operate a commercial motor vehicle requiring a commercial driver's license.

A-2. POLICY STATEMENT

The City of Olathe is committed to programs that promote safety in the workplace, and public confidence. Consistent with the spirit and intent of this commitment, the City of Olathe has developed this policy, which prohibits the unlawful manufacture, distributing, dispensing, possession, or use of alcohol or drugs by employees while on duty or in the workplace.

Employee abuse of alcohol and drugs, both on and off the job, increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the City of Olathe's property and reputation.

Therefore, our goal and the purpose of this policy are to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of alcohol and drug abuse.

A-3. DEFINITIONS

1. **Alcohol**: the intoxicating agent in beverage alcohol, ethyl alcohol, or low molecular weight alcohol, including methyl and isopropyl alcohol.

2. **Alcohol Concentration** (or content): the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

3. **Alcohol Use**: the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

4. **Commercial Motor Vehicle**: a motor vehicle which is designed or used to transport passengers or property and which:
   a. Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
   b. Has a gross vehicle weight rating of 26,001 or more pounds; or
   c. Is designed to transport 16 or more passengers, including the driver; or
   d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R., part 172, subpart F).

5. **Confirmation Test**: (for alcohol testing) a second test, following a screening test with a result of 0.02% or greater, that provides a quantitative data of alcohol concentration; (for drug testing) a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test. Gas chromatography/mass spectrometry (GS/MS) is the only authorized confirmation method for drug testing.
6. **Drug**: includes all substances listed on Schedules I through V, 21 U.S.C. §812, as they may be revised from time to time. For purposes of testing, a drug means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

7. **Employee**: a person employed in a City of Olathe position requiring that person to operate a commercial motor vehicle and hold a commercial driver's license.

8. **Medical Review Officer (MRO)**: the individual who is responsible for receiving laboratory results generated from the City of Olathe's drug testing program under this policy and who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

9. **Safety-Sensitive Function**: any of the following on-duty functions, which involve operation of a commercial motor vehicle.
   a. All time waiting to be dispatched, unless the employee has been relieved from duty by the City of Olathe.
   b. All time inspecting, servicing, or conditioning any commercial motor vehicle.
   c. All time spent at the driving controls of a commercial motor vehicle in operation.
   d. All time, other than driving time spent, in or upon any commercial motor vehicle.
   e. All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
   f. All time spent performing the employee requirements associated with an accident, including the following:
      i. Stopping immediately.
      ii. Taking all necessary precaution to prevent further accidents at the scene.
      iii. Rendering all reasonable assistance to injured persons.
      iv. Giving any person demanding the same his/her name and address, the name and address of the City, the state tag and registration number of the vehicle involved, and if requested, exhibiting his or her chauffeur's or operator's license.
      v. Locating and notifying the custodian of an unattended vehicle that is stricken in the accident.
      vi. Reporting all details of the accident to the employee’s supervisor as soon as practicable after its occurrence.
   g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

10. **Performing (a safety-sensitive function)**: any period during which the employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

11. **Screening Test (Initial Test)**: (for alcohol testing) an analytical procedure to determine whether or not the employee or applicant may have a prohibited concentration of alcohol in his or her system; (for drug testing) an immunoassay test to eliminate "negative" urine specimens from further
consideration.

13. **Substance Abuse Professional (SAP):** a licensed physician, registered nurse, fractioned or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug disorders.

**A-4. PROHIBITIONS**

**A-4.A. Alcohol**

- **Alcohol Concentration:** No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02% or greater. If the City of Olathe has actual knowledge that an employee has an alcohol concentration of 0.02% or greater, it shall not permit the employee to perform or continue to perform safety-sensitive functions.

- **Alcohol Possession:** No employee shall be on duty or operate a commercial motor vehicle while the employee possesses alcohol. If the City of Olathe has actual knowledge that an employee possesses alcohol, it shall not permit the employee to drive or continue to drive a commercial motor vehicle.

- **On-Duty Use:** No employee shall use alcohol while on duty including any break wherein the employee is reasonably expected to return back to work, such as meal breaks. If the City of Olathe has actual knowledge that an employee is using alcohol while on duty, it shall not permit the employee to perform or continue to perform safety-sensitive functions.

- **Pre-Duty Use:** No employee shall perform safety-sensitive functions within four hours after using alcohol. If the City of Olathe has actual knowledge that an employee has used alcohol within four hours, it shall not permit an employee to perform or continue to perform safety-sensitive functions.

- **Use Following an Accident:** No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

**A-4.B. Drugs**

- **On-Duty Use:** No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle and the employee has informed his or her supervisor of the physician's advice.

- **Violation:** If the City of Olathe has actual knowledge that an employee has used a drug in violation of this policy, it shall not permit the employee to perform or continue to perform a safety-sensitive function.

- **Testing Positive:** No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the employee tests positive for drugs. If the City of Olathe has actual knowledge that an employee has tested positive for drugs, it shall not permit the employee to perform or continue to perform safety-sensitive functions.
• **Drug Possession:** No employee shall possess drugs while the employee is on duty, except for those drugs which have been prescribed for the employee by a licensed medical practitioner.

• **Drug Dealing:** No employee directly or through a third party shall sell or provide drugs to any person, including any other employee, while either/both employees are on duty.

**A-4.C. Refusal to Submit**

• No employee shall refuse to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, a return to duty alcohol or drug test, or a follow-up alcohol or drug test.

• The City of Olathe shall not permit an employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

• Any employee who refuses to submit to any test identified in this policy shall be immediately terminated.

**A-5. TESTING PROCEDURES**

**A-5.A. Alcohol**

• All alcohol testing shall be conducted by a breath alcohol technician (BAT) and shall be done on an evidential breath testing device (EBT).

• When required to take the test, the employees shall present themselves at a location designated by the City of Olathe.

• The BAT will conduct a screening test, and if the result of the screening test is an alcohol concentration of 0.02% or greater, then a confirmatory test shall be conducted.

**A-5.B. Drugs**

• A test shall be conducted for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidines. All testing for drugs shall be done by urinalysis. A drug testing custody and control form shall be used as a permanent record and contains the identifying data on the employee, specimen collection, and transfer process.

• Employees who are required to take the drug test shall present themselves at a collection site for the purpose of providing a specimen of their urine, which shall be subject to the split sample method of collection.

• The urine specimen shall be tested by a drug testing laboratory certified under Department of Health and Human Services (DHHS) guidelines. If the initial screening test is positive, then a confirmatory test shall be conducted.

• An employee whose urine sample has been verified as testing positive for a drug has the option of having the split sample tested at another laboratory within 72 hours of being notified by the Medical Review Officer (MRO).

  - However, action required by this policy as a result of a positive drug test (e.g., requiring removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen. If the second portion produces a negative result or for any reason the second portion is not available, then this test is considered negative, and no further action will be taken against the employee.
• The City of Olathe shall contract for the services of an MRO who shall be a licensed physician or registered nurse practitioner with knowledge of substance abuse disorders.
  o The MRO shall review and interpret confirmed positive test results for any drugs identified.
  o The MRO shall interview employees who tested positive to verify the laboratory report and review available medical records when a confirmed positive could have resulted from a legally prescribed medication.
  o The MRO shall report his/her findings and recommendation to the Assistant Director of Human Resources or designee.

A-5.C. Notification

Before conducting an alcohol or drug test the City of Olathe shall notify the employee that the test is required by this policy.

A-6. TYPES OF TESTING

A-6.A. Pre-Employment Testing

1. The City of Olathe shall notify an applicant that he/she is required to submit to an alcohol and drug test.

2. An applicant shall submit to an alcohol and drug test.

3. Any offer of employment made to an applicant shall be conditioned upon the applicant passing the alcohol and drug test.

4. If the alcohol test indicates an alcohol content of 0.02% or greater, the City of Olathe receives a drug test result from the MRO indicating a confirmed positive test result, or the applicant refuses to take the test or to comply with any applicable procedures of this policy, then the City of Olathe shall withdraw the offer of employment. The applicant shall not be hired and will cease to be eligible for employment with the City of Olathe until approved for rehire by the Human Resources Department.

A-6.B. Post-Accident Testing

As soon as is practicable following an accident involving a commercial motor vehicle, the City of Olathe shall require a test for alcohol and drugs (using the federal Department of Transportation (DOT) version for post-accident drug and alcohol testing) of each surviving employee who was performing safety-sensitive functions with respect to the vehicle if:

• The accident involved another person; or

• At the scene of the accident, the employee received a citation under state or local law for a moving traffic violation arising from the accident.

A-6.C. Tests

• Alcohol: If an alcohol test required by this section is not administered within two hours following the accident, then the City of Olathe shall prepare and maintain a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, then the City of Olathe shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FHWA upon request of the Associate Administrator.
• **Drugs:** If a drug test required by this section is not administered within 32 hours following the accident, then the City of Olathe shall cease attempts to administer a drug test and prepare and maintain a record stating the reasons the test was not promptly administered.

• Records shall be submitted to the FHWA upon request of the Associate Administrator.

• An employee who is subject to post-accident testing shall report all details of the accident to his/her supervisor as soon as practicable and shall remain readily available for such testing; otherwise, the employee shall be deemed by the City of Olathe to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

• The City of Olathe shall provide employees with necessary post-accident information, procedures, and instructions prior to employees operating a commercial motor vehicle so that employees will be able to comply with the requirements of this section.

• The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable federal, state, or local requirements and that the results of the tests are obtained by the City of Olathe.

A-6.D. Random Testing

The City of Olathe shall administer a number of random alcohol tests and a number of random drug tests of its employees. The Assistant Director of Human Resources or designee shall randomly select the employees by using the last digit of the employee's social security number or other random means. The tests shall be unannounced, and the testing dates shall be spread reasonably throughout the year. Under this method of testing, each employee has an equal chance of being tested each time the selections are made.

A-6.E. Reasonable Suspicion Testing

The City of Olathe requires that employees submit to an alcohol test when it has reasonable suspicion to believe an employee has violated the prohibitions of this policy concerning use of drugs and alcohol. An employee shall submit to a drug test when the City of Olathe has reasonable suspicion to believe that the employee has violated the prohibitions of this policy.

Reasonable suspicion must be based upon observations by a director, manager, supervisor, or other City of Olathe employee who has received training in the identification of actions, appearance, or conduct that are indicative of misuse of alcohol and/or use of drugs.

A-6.F. Return-to-Duty Testing

**Alcohol**

After engaging in conduct concerning alcohol prohibited by this policy and before an employee returns to duty in a position requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02%, provided the employee has not been terminated from the position.

An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, is not subject to return-to-duty testing. However, the employee shall not continue to perform safety-sensitive functions until the start of his/her next regularly scheduled duty period, not less than 24 hours following administration of the test.
Drugs

After engaging in conduct concerning drugs prohibited by this policy and before an employee returns to duty in a position requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty drug test with a result indicating a verified negative result for drug use, provided the employee has not been terminated from the position.

A-6.G. Follow-up Testing

Following a determination by a substance abuse professional (SAP) that an employee is in need of assistance to resolve problems associated with alcohol misuse and/or use of drugs, the employee shall be subject to unannounced follow-up alcohol and/or drug testing, which shall consist of at least six tests in the first 12 months following the employee's return to duty, provided that the City of Olathe has not terminated the employee from the position. Follow-up testing may be conducted for a period up to 60 months from the date the employee returns to duty. Follow-up testing shall be arranged by the Human Resources Department.

Follow-up alcohol testing shall be conducted just before the employee is to perform safety-sensitive functions, when the employee is performing safety-sensitive functions, or just after the employee has ceased to perform safety-sensitive functions.

A-7. CONSEQUENCES

A-7.A. Performance of Safety-Sensitive Functions

An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, shall be removed immediately from the performance of safety-sensitive functions. If the City of Olathe determines that the employee shall return to duty to perform safety-sensitive functions, then the employee shall not perform any safety-sensitive functions until the latter of his/her next regularly scheduled duty period 24 hours following the administration of the test.

An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.04% or more or who tests positive for drugs (verified by an MRO) shall be immediately removed from performing safety-sensitive functions.

Employees who refuse to submit to a test required by this policy will be terminated immediately. If the City of Olathe determines that the employee shall return to duty to perform safety-sensitive functions, then he/she shall not perform any safety-sensitive functions until after being evaluated by a substance abuse professional and undergoing a return-to-duty alcohol or drug test. If the conduct involved alcohol, then the result must indicate a breath alcohol level of less than 0.02%; if the conduct involved drugs, then the result must be verified negative.

A-7.B. Discipline

- **Alcohol**: Any employee subject to this policy found to have a blood-alcohol concentration of 0.04% or more shall be referred to an approved rehabilitation program. In addition, he/she shall be placed on probation for 12 months.

  If the employee violates any rules set forth in this policy during the probationary period, then he/she shall be terminated. Failure to successfully complete the rehabilitation program will be grounds for termination.
• **Drugs:** Any employee subject to this policy who tests positive for the presence of illegal drugs shall be required to complete an approved rehabilitation program. In addition, he/she shall be placed on probation for 12 months.

If the employee violates any rules set forth in this policy during the probationary period, then he/she shall be terminated. Employees who have successfully completed a rehabilitation program will be required to submit to random drug testing in accordance with provisions of this policy. After rehabilitation, an employee who again tests positive for the presence of drugs and/or alcohol will be terminated from employment.

• Employees who tamper with a sample or attempt to deceive the City of Olathe during the testing process will be terminated.

• Employees who refuse to sign the consent form and submit to a drug and/or alcohol test when requested to do so will be terminated.

• Any suspension from duty resulting from a violation of the provisions of this policy shall be without pay, provided that any employee who has undergone reasonable suspicion testing for drugs shall be suspended with pay until the City of Olathe receives the result of the drug tests.

### A-7.C. Evaluation and Treatment

Each employee who has engaged in conduct prohibited by this policy will be advised by the City of Olathe of the resources available to him/her in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. A substance abuse professional shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.

Before an employee who has engaged in conduct prohibited by this policy returns to duty requiring the performance of a safety-sensitive function, he/she shall undergo a return-to-duty alcohol or drug test. If the conduct involved alcohol, then the result must indicate an alcohol concentration of less than 0.02%; if the conduct involved drugs, then the result must be verified negative.

In addition, each employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall be:

- Evaluated by a drug abuse professional to determine that the employee has properly followed any rehabilitation program under this policy.

- Subject to unannounced follow-up alcohol and drug tests administered by the Human Resources Department. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the employee's return to duty.

The City of Olathe may direct the employee to undergo both return and follow-up testing for both alcohol and drugs, if the substance abuse professional determines that return-to-duty and follow-up testing for both alcohol and drugs is necessary for that particular employee. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The substance abuse professional may determine the requirement for follow-up testing at any time after the first six tests have been administered.

### A-7.D. Progressive Discipline Not Applicable

The disciplinary steps set forth in Section 5 of the main Employee Handbook providing for progressive discipline (e.g., verbal warning, written warning, suspension, termination) do not apply to violations of the Alcohol and Drug Policy. The discipline to be imposed for violations of the Alcohol and Drug Policy shall be governed solely by the provisions set forth herein.
A-8. SUPERVISORY TRAINING
The City of Olathe shall provide training to persons designated to determine whether or not reasonable suspicion exists to require an employee to undergo reasonable-suspicion testing. The training shall include at least 60 minutes of training on alcohol misuse and on use of drugs. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs.

A-9. RECORD KEEPING

A-9.A. Human Resources Department

The Human Resources Department shall maintain the records of the City of Olathe’s Alcohol Misuse and Drug Use Prevention Program in a secure location with controlled access. The records shall be maintained and retained in accordance with 49 C.F.R. 382.401, 49 C.F.R. 40.83, and amendments thereto.

The Human Resources Department shall prepare and maintain an annual calendar summary of the information of its alcohol and drug testing program performed under the policy.

The information shall be maintained in accordance with 49 C.F.R. 382.403 and amendments thereto.

A-9.B. Medical Review Officer (MRO)

The MRO shall maintain records relating to an employee's verified positive drug test results for a minimum period of five years and shall maintain records relating to an employee's negative or canceled drug test results for a minimum period of one year.

A-10. RELEASE OF INFORMATION

The City of Olathe shall not release to anyone the employee's information contained in the records required to be maintained under this policy without first obtaining written authorization from the employee; however, the prohibition shall not apply to:

- A request for test results from the Secretary of Transportation, Department of Transportation agency, or any state or local officials with regulatory authority over the City of Olathe or its employees.
- A request for administrative information from the National Transportation Safety Council.
- A request in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee arising from test results of the employee or a City of Olathe determination that the employee engaged in conduct prohibited by this policy.
- A request which is otherwise required by law to be released.

Upon written request by the employee, the City of Olathe shall release to him/her copies of all records pertaining to his/her use of alcohol or drugs, including any records pertaining to his/her alcohol or drug test.

A-11. NOTIFICATION TO EMPLOYEE

The City of Olathe shall provide educational materials that explain the requirements of its policies and procedures with request to meeting alcohol and drug testing requirements.

The City of Olathe shall provide a copy of educational materials to each driver prior to the start of alcohol and controlled substances testing and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
The materials made available to drivers shall include the following:

- The identity of the person designated by the employer to answer questions about the materials.
- The categories of drivers who are subject to testing provisions.
- Sufficient information about the safety-sensitive functions performed by drivers to make clear when the driver is required to be in compliance with alcohol and drug policies.
- Specific information concerning drivers’ prohibited conduct.
- The circumstance under which a driver will be tested for alcohol and/or drugs.
- The procedures that will be used to test for the presence of alcohol and drugs, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
- The requirement that a driver submit to alcohol and drug tests.
- An explanation of what constitutes a refusal to submit to an alcohol or drug test and the consequences.
- The consequences for drivers found to have violated alcohol and drug policies, including the requirement that the driver be removed immediately from safety-sensitive functions and related procedures.
- The consequences for drivers found to have an alcohol concentration of 0.02% or greater, but less than 0.04%.
- Information concerning:
  - The effects of alcohol and drug use on an individual's health, work, and personal life.
  - Signs and symptoms of an alcohol or drug problem (the driver's or a co-worker's).
  - Available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to any EAP, and/or referral to management.

Each employee shall sign a statement certifying receipt of a copy of this policy and educational materials.

A-12. ADHERENCE TO FEDERAL AND STATE REGULATIONS

This policy is consistent with the Drug Free Workplace Act of 1988, which requires that employees notify the City of Olathe of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
C-1. RIGHTS

State and federal laws protect workers who take leave to serve in the military.

A federal law, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. §§ 4301 and following, enacted by Congress and signed into law on October 13, 1994, and amended in 1996, 1998, and 2000), prohibits discrimination against members of the United States military or those who serve in the military reserves. USERRA applies to state and all private employers, regardless of size. See following USERRA notice.

The law prohibits employers from taking any negative job action, such as demotion or firing, against an employee because he/she is a member of the armed forces or reserves. The law also requires employers to reinstate most employees who take time off to serve. Employers generally do not have to pay employees who take military leave.

C-2. CONDITIONS FOR REINSTATEMENT

USERRA requires employers to reinstate an employee who takes time off to serve in the armed forces, if the employee meets all of these conditions:

- The employee must have given notice before taking leave and stated that the leave was for military service.
- The employee must have spent no more than five years on leave for military service (with some exceptions).
- The employee must have been released from military service under honorable conditions.
- The employee must report back or apply for reinstatement within specified time limits (these limits vary depending on the length of the employee’s leave).

C-3. REINSTATEMENT BENEFITS

USERRA requires employers to reinstate employees to the same position they would have held had they been continuously employed throughout their leave, as long as they are otherwise qualified for that job. This means that the employer cannot simply return the employee to his or her former position; instead, the employer must provide any promotions, increased pay, or additional job responsibilities the employee would have received if he/she had never taken leave, but only if the employee is qualified to do that job. If the employee is not qualified, then the employer must try to qualify him/her.

Returning members of the military receive one additional benefit: The employer cannot fire them without cause for up to one year after they are reinstated (the exact length of this protection depends on the length of the employee’s military service). Thus, no matter what employment policies say, these workers are no longer at-will employment employees for a limited period after they return.

C-4. PROTECTIONS FOR STATE MILITIA OR NATIONAL GUARD

In addition to these federal protections, almost every state has a law prohibiting discrimination against active members in the state’s militia or National Guard. KSA Chapter 48, Article 2, specifies the members reporting for active and training duty. KSA Chapter 48, Article 5 (48-517), specifies the employer responsibility for reemployment upon return from active duty.
### YOUR RIGHTS UNDER USERRA

**THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

### REEMPLOYMENT RIGHTS

- You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
  - Your employer receives advance written or verbal notice of your service;
  - You have five years or less of cumulative service in the uniformed services while with your particular employer;
  - You return to work or apply for reemployment in a timely manner after conclusion of service; and
  - You have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### HEALTH INSURANCE PROTECTION

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### ENFORCEMENT

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-VETS or visit its website at [http://www.dol.gov/vets](http://www.dol.gov/vets). An interactive online USERRA Advisor can be viewed at [http://www.gov/vets](http://www.dol.gov/vets).

- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

- You may also bring the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed online at [http://www.dol.gov/vets](http://www.dol.gov/vets). Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily post notices for employees.

**U.S. Department of Labor**
1-866-4USA-VETS

**U.S. Department of Justice**
Office of Special Counsel
1-800-336-4590

Publication Date—October 2006
APPENDIX D: RESOLUTION NO. 98-1068 (CODE OF ETHICS)

A RESOLUTION AMENDING SECTION ONE OF RESOLUTION NO. 93-1122 PERTAINING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR THE ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF OLATHE, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section One of Resolution No. 93-1122 is hereby amended to read as follows:

“SECTION ONE: The Code of Ethics for the City of Olathe shall read as follows:

CODE OF ETHICS

Officials and employees of the City of Olathe shall:

A. Be dedicated to the ideals of honor and integrity in all public and personal relationships.

B. Conduct themselves so as to maintain public confidence in the performance of their job duties.

C. Make it their duty to improve operations and productivity and use time wisely so that all citizens know that full value is being received for each tax dollar spent.

D. Seek no favors, use the prestige of office for private gain, nor use confidential information or government equipment or supplies to secure a profit or enhance wealth.

E. Ensure that expenditures made by the City are in the interest of the City, for the betterment of the City and only for appropriate City business.

F. Avoid conflicts of interest by refraining from participating in decisions or being involved in transactions in which he or she or their family has an interest and make a full disclosure of association when involvement cannot be avoided.

G. Address constituents concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.

H. Work in full cooperation with other officials and employees, unless prohibited by law or recognized confidentiality of material, to perform the operations of government, but not exceed their authority or encroach on another’s professional responsibilities.

I. Refrain from assisting and representing the private interests of another before any commission, board, council, or agency of the City when they have any official involvement with respect to the determination of the private interest.
J. Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, favors or anything of value for himself, his or her family or others, which is intended or has the appearance or affect of influencing the performance of his or her duties; and should never lobby or attempt to influence others in the performance of their duties by any means which are not a part of his or her authorized duties.

City employees may be offered honorariums as a result of speaking engagements or conducting seminars. A reasonable fee for time actually spent in preparation or participation may be accepted as long as the City is not also compensating the employee for such time. If the City is paying the employee for the time, then the honorarium will be rejected.

Any gift not authorized by this subsection may be returned to the donor or transmitted to the City Treasurer or turned over to the City to be used by the City or to be sold, with the proceeds of such sale deposited into the general fund of the City. The City Treasurer for the City shall be notified within seven (7) days of the receipt of any nonmonetary property not authorized by this subsection.”
APPENDIX F: EMPLOYEE SAFETY PROGRAM

EMPLOYEE SAFETY PROGRAM
AUTHORITY:

K.S.A. 44-636

OLATHE CITY CODE 3.60

Section 04, Risk Management Manual

Resources

National Institute for Occupational Safety and Health (NIOSH)

Occupational Health and Safety Administration (OSHA)

Kansas Industrial Safety and Health Section, Public Service Unit

Insurance Company Risk and Loss Control Guidelines

Insurance Underwriter Standards

Take Time for Safety

Safety does take **TIME**

*(Total Involvement Managed Effort)*

No safety handbook can anticipate every hazard or safety issue. As the City continues to grow and government safety regulations are modified, the need may arise, and the City reserves the right, to revise, supplement, or rescind any portion of the safety program as needed. Employees will be notified of such changes to the employee safety program as they occur.
EMPLOYEE SAFETY PROGRAM

1. RESPONSIBILITIES
   A. City Safety Team
   B. Department Director
   C. Department Manager and Supervisor
   D. Employee

2. HOW TO MANAGE AN UNSAFE CONDITION
   A. Methods
   B. Planning
   C. Speed vs. Safety

3. ERGONOMICS GUIDELINES
   A. Defined
   B. Risk Factors
   C. Risk Recognition
   D. Solutions
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APPLICATION: All City Employees
FOREWORD

The City of Olathe, Kansas, is committed to providing a workplace that is free from recognized safety and health hazards, as well as a safe environment for citizens utilizing City services and facilities.

This employee safety handbook establishes reasonable and practical work procedures to prevent accidents.

Recognizing that most accidents can be prevented, every city has a responsibility to contribute to a safe workplace. The guiding principles for our goals are as follows:

1. People are our most important and valuable assets; their safety is our responsibility.
2. Every City employee has an important role in accident prevention.
3. The quality and quantity of work performed should not jeopardize our safety goals.

The City's safety record is a reflection of our combined efforts. Working together to reduce the severity and number of accidents is a key element as we strive to meet our public service objectives.

J. Michael Wilkes
City Manager
1. RESPONSIBILITIES

1.A. City Safety Team

The City Safety Team (CST) is responsible for the review and coordination of safety programs and safety education. These safety responsibilities include work-site inspections, hazard reduction and/or elimination, and serious accident/injury investigation, reporting, and management. Other assignments and responsibilities related to risk management and disaster response complete the role of the CST.

The CST will function in a consulting role and advise the City Manager, department directors, supervisors, and employees of new standards, unsafe conditions, problems related to accident prevention, and recommendations for loss control. The CST will not fulfill the obligations of department directors or supervisors relative to providing safe work environments, necessary equipment, training or routine accident investigations, and prevention inspections.

1.B. Department Director

The department director is responsible for the work environment, health, and welfare of each employee in the department, as well as the fulfillment of departmental goals and objectives. In this safety program, the highest priority has been placed upon employee safety. Effective safety practices are the responsibility of the respective department director. It is normal practice for supervisors to be delegated the authority to carry out the safety policy in his/her department; the responsibility for meeting objectives, as well as the protection of employees in performance of their assignments, cannot be transferred.

1.C. Department Manager and Supervisor

Managers and supervisors have the authority to instruct their personnel in the safe practices to be observed in their work situations. They are to enforce safety standards and requirements to the utmost of their ability and authority. Managers and supervisors should act positively to eliminate any potential hazards within the activities under their jurisdiction, and they should set the example of good safety practice in all spheres of their endeavors. Safety activities are measured along with other phases of supervisor performance; therefore, it is essential that supervisor safety records be complete and accurate, and all accidents be investigated and reported.

The principal duties of managers and supervisors in discharging responsibilities for safety are as follows:

- Enforce safety regulations currently in effect, and make employees aware that violations of safety rules are not tolerated.
- Make sure all injuries are reported promptly and treated properly.
- Make sure employees report all accidents even if an injury is not apparent.
- Conduct an investigation of all accidents, and take necessary steps to prevent recurrence through employee safety education, operating procedures, or modification of equipment.
- Provide employees with safety instructions regarding their duties prior to starting work.
- Conduct regular safety checks, including a careful examination of all new and relocated equipment before it is placed in operation.
- Properly maintain equipment, and issue instructions for the elimination of fire and safety hazards.
• Inspect for unsafe practices and conditions, and promptly initiate or undertake any necessary corrective actions.

• Develop and administer an effective program of good housekeeping, and maintain high standards of personal cleanliness.

• Ensure safety equipment and protective devices are provided and used for each job based on knowledge of applicable standards or on the recommendation of the CST.

• Conduct safety meetings at department and shift meetings, and encourage the use of employee safety suggestions.

• Give full support to all City and department safety procedures, activities, and programs.

If the personnel situation within a department does not allow supervisors to perform these tasks, then the department director is responsible.

Department managers and supervisors should seek the assistance of the CST when needed.

1.D. Employee

While performing daily tasks and as part of the comprehensive Employee Safety Program, each City employee, supervisor, manager, and director is expected to place safe work practices and the identification of unsafe conditions at the top of the list of highest priorities. Safe work habits and attitude are to be measured along with other phases of employee performance during each evaluation.

Each employee's safety commitment must include but is not limited to the following:

• Using the provided safety equipment while performing daily work assignments.
• Wearing the prescribed uniform and personal protective clothing and gear as required.
• Operating a motor vehicle in a safe and legal manner.
• Reporting immediately to a supervisor all motor vehicle accidents, regardless of severity.
• Operating equipment only for which training or orientation has been received.
• Warning co-workers of unsafe conditions or practices that could lead to or cause an accident.
• Reporting immediately to a supervisor any defective equipment.
• Reporting dangerous or unsafe conditions that exist in the workplace, as well as throughout the municipality, including, but not limited to, defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open manholes, sunken basins and sewers, and missing or damaged traffic signs or signals.
• Reporting to a supervisor before the end of a shift all work accidents regardless of injury or severity.
• Implementing established procedures to alert the general public of hazardous conditions resulting from City operations in the right-of-way and on other City property.
• Taking care not to abuse tools and equipment so they will be in a usable condition for as long as possible, as well as ensuring they are in a safe condition while being used.
• Knowing and obeying City safety rules and any rules specific to the assigned department and
position.

2. HOW TO MANAGE AN UNSAFE CONDITION

2.A. Methods

Often the obvious remedy to an unsafe condition appears costly, time consuming, unreasonable, and over-reactionary. These types of reactions are due generally to the failure to apply alternative methods to determine a solution that can be both timely and cost-effective for the situation. The following options are listed in order of their effectiveness:

1. Eliminate the hazard by removing the machine, method, material, or structure.
2. Provide control of the hazard by enclosing or guarding the point of hazard at the source.
3. Remove risk factors by replacing tools and equipment or re-engineering the task to ergonomic standards.
4. Train personnel on what to do when confronted with a hazardous condition, and provide safe avoidance procedures.
5. Provide and ensure the use of personal protective equipment to shield employees from a hazard.

2.B. Planning

The most effective way to avoid hazardous conditions is to engineer them out of the job. Re-engineering can often be accomplished by job planning and using the assistance of the Loss Control Coordinator in early stages of program planning, equipment specification-writing, and site inspections. See Section 3 below.

2.C. Speed vs. Safety

Protective devices or safety practices at no time should be set aside to finish "sooner" or "cheaper." The ultimate price paid may greatly outweigh the gain anticipated by such an action.

3. ERGONOMICS GUIDELINES

3.A. Definition

According to www.merriam-webster.com, ergonomics is defined as “an applied science concerned with designing and arranging things people use so that the people and things interact most efficiently and safely.” Adapting tasks, workstations, tools, and equipment to fit the worker can help reduce physical stress on a worker’s body and eliminate many potential serious disabling work-related injuries and musculoskeletal disorders.

3.B. Risk Factors

The following risk factors can make ergonomics an important part of every job task:

- Frequent lifting, carrying, and pushing or pulling loads without help from other workers or mechanical devices.
- Increasing specialization that would require the worker to perform only one repetitive function or movement for a long period of time or day after day.
- Working more than eight hours a day.
• Working at a quicker pace of work, such as faster assembly line speeds.
• Having to use tighter grips when using tools.

3.C. Risk Recognition
Recognizing ergonomic risk factors in the workplace is an essential first step in correcting hazards and improving worker protection. Including ergonomic principles in work tasks and equipment design may reduce exposing workers to undue physical stress, strain, and overexertion, including vibration, awkward postures, forceful exertions, repetitive motions, and heavy lifting.

3.D. Solutions
Many solutions to ergonomic problems in the workplace are simple and inexpensive. For example, many can be eliminated by:

• Adjusting the height of working surfaces.
• Providing telephone headsets.
• Supplying anti-fatigue mats.
• Varying tasks.
• Providing breaks.
• Paying attention to lift and load:
  o Reduce the weight and size of items workers must lift.
  o Minimize the distance between the worker and the load.
  o Lift loads from knuckle height; avoid lifting from floor level whenever possible.
  o Keep travel (carrying) distance for the lift to less than 10 feet.
  o Minimize twisting.
  o Provide handles for grasping loads.
• Putting supplies and equipment within easy reach of the worker.
• Providing ergonomic chairs or stools.
• Supplying the right tool for the job and the right handle for the worker.
  o Tools should be lightweight, and handles designed to allow a relaxed grip so the wrists can remain straight.
  o Tools should be designed for use with either hand and should be available in various sizes so they are appropriate for all workers.
  o Tool handles should be shaped so they contact the largest possible surface of the inner hand and fingers; avoid tool handles with sharp edges and corners.
  o Use power tools to reduce the amount of human force and repetition required.
  o Reduce tool vibration by purchasing low-vibration tools, and if necessary, fit absorbent rubber sleeves over the tool handle(s).
• Using correct posture, which is important whether an employee is sitting, standing, pulling, pushing, lifting, or using tools or equipment.
3.E. Training and Assistance

Training employees how to properly use equipment, tools, and machine controls, as well as the correct way to perform job tasks, is essential. Suggestions and input from workers can be very helpful in designing improved workplaces.

General principles of ergonomics encourage work methods that allow workers to keep their body joints in a neutral position (wrists straight and elbows bent at a right angle) while using tools requiring manual force in order to prevent excessive force on joints and tendons. Workers should avoid all side-to-side twisting and quick movement of their wrists and keep their hands in line with their forearms while using tools or operating equipment. To minimize or prevent back disorders, employees should avoid long reaches, maintain neutral postures, and use proper lifting techniques that avoid twisting while lifting.

Specific ergonomic assistance may be obtained by contacting the Loss Control Coordinator. The person in this position has extensive ergonomic experience, background, and access to other professional ergonomic resources.

4. GUIDELINES FOR SAFE ON-DUTY WORK HOURS – FATIGUE AND SLEEP

The following on-duty work hours safety guidelines were established in order to prevent fatigue and sleep deprivation from becoming a safety hazard issue. The procedures listed below are applicable to City employees who operate City vehicles and equipment, as well as individuals required to perform rapid, timely, and detailed functions requiring a high state of mental alertness.

4.A. Exceptions - Limited

The procedures allow some flexibility to a rigid “12-on/12-off” schedule. The guidelines do not apply to 24-hour shift personnel, such as Fire employees. A modification of the safe on-duty work hours will be controlled by the department chief; however, back-to-back 24-hour shifts would be avoided. These safety procedures may be modified by the department director/Chief on a limited and temporary basis for emergency situations and for City declared disaster demands. However, every effort should be made to ensure that personnel get adequate sleep breaks and preferably a minimum of eight hours of sleep every twenty-four hours.

4.B. Extra Duty Time

The normal extra duty time would consist of up to four hours before or after an eight-hour shift or two hours before or after a 10-hour shift, such as a “12-on/12-off” shift sequence.

4.C. Maximum Consecutive Hours-of-Duty

Personnel are limited to 14 consecutive hours in an on-duty period, but may only drive or operate vehicles/motorized equipment up to 11 hours in that duty period. The 14-hour duty period may not be extended with off-duty time for meals; only a sleep period of at least two hours can extend the 14-hour on-duty period.

4.D. Minimum Off-Duty Time

Each duty period must begin with at least ten hours of off-duty time, rather than eight. 10 hours allows ample travel time in order to obtain eight hours of sleep.

4.E. Consecutive Day Duty

The maximum amount of consecutive day duty time is 60 hours of on-duty time in seven consecutive days
or 70 hours of on-duty time in eight consecutive days, but personnel can “restart” the seven- or eight-day period by taking at least 36 consecutive hours of off-duty time. For example, five days of “12-on/12-off” equals 60 hours. When 60 hours is attained in five consecutive days, a minimum break of 48 hours is required before the next duty assignment.

4.F. Sleep Exception

Personnel may split on-duty time by using sleep periods, but they must comply with the hours-of-duty rules. These employees may accumulate the equivalent of 10 consecutive hours of off-duty time by taking two periods of sleep, provided:

- Neither sleep period is less than two hours.
- Driving and/or equipment operation time in the duty period immediately before and after each rest/sleep period when added together does not exceed 11 hours.
- The on-duty time in the period immediately before and after each rest period when added together does not include any driving after the 14th hour.
- On duty for no more than 60 hours in seven consecutive days or 70 hours in eight consecutive days.

A new seven- or eight-day period can begin after 36 consecutive off-duty hours. (60 hours in five days requires 48 consecutive off-duty hours.)

4.G. Sleep Tips

- Avoid alcohol. (It may help to fall asleep faster, but it makes it difficult to remain asleep.)
- Do not consume spicy foods for the last meal of the day before sleep period.
- Use caffeine only in the first one-half of one work period, if needed.
- Do not exercise three to four hours before sleep; exercising after the sleep period may be best.
- Use a fan to block outside noise (or another white noise source).
- Darken the room; use dark shades to block sunlight and street/yard lights.
- A teaspoon of honey in a glass of hot water can be an effective sleep aid.

4.H. References

The safe on-duty work hours procedure guidelines utilize the January 2004 DOT safety rules and the National Sleep Foundation’s study, “Shift Workers and Sleep.”

5. DRIVING GUIDELINES

5.A. Compliance

All drivers of municipal vehicles and employees using personal vehicles in pursuit of municipal business will comply with all applicable laws of the state, as well as any additional ordinances and regulations of the City of Olathe. Drivers of emergency vehicles have limited exemption from the usual motor vehicle laws and rules when responding to an emergency, but are still required to exercise due caution and care.

5.B. Personal Use Prohibited
Kansas Statute 8-301 prohibits the operation or use of any publicly owned automobile or other motor vehicle for private/personal use, for private business, or for pleasure.

5.C. Parking

- Municipal vehicles are not to be parked in "No Parking" zones except in emergency situations or if required for performance of official duties. During times a vehicle is parked in a "No Parking" zone, emergency blinkers will be turned on.
- No municipal vehicle is to be left unattended with keys in the ignition or with the keys accessible to unauthorized persons.
- All municipal vehicles should be locked when not in use.
- Employees who occupy a restricted parking place will display a permit or pay the fee for the duration of the stay.

5.D. Equipment

- Before initial use of any vehicle each day, the driver will walk around and inspect the vehicle for damage, inoperable lights or turn signals, damaged mirrors and reflectors, loose hardware, under-inflated tires, fluid leaks, or any other condition which may create an unsafe situation.
  - Low levels of engine oil, coolant, transmission fluid, and windshield washer fluid should be topped off at that time.
  - Any leaks shall be noted and reported for correction.
- Any damage or operating deficiency encountered must be reported to a supervisor immediately.
- In any case, the driver of the vehicle is responsible to see that all necessary vehicle safety conditions are met before operating it.
- Vehicle doors are never to be tied open.
  - Portable or detachable doors may not be removed from vehicles unless the mirrors remain usable when the doors are off.
- Turn signals are to be utilized in ample time to warn oncoming or following vehicles every time a driver intends to turn or initiate a lane change.
- Drivers will ensure before and during vehicle operation that the windows, headlights, and taillights are clean and working and that windshield wipers are operational.
- Tailgates should be up and locked when vehicles so equipped are in motion.
- If the vehicle does not have a tailgate, then the driver of the vehicle will ensure that the load is secured on the truck and that overhangs are properly marked in accordance with applicable state and City laws.

5.E. Seat Belts (Mandatory Use)

- All City employees who operate a licensed motor vehicle (City or privately owned) on City business or ride as a passenger in such vehicles shall wear the installed seat belt (safety restraints) properly adjusted and fastened.
- Any employee operating a licensed motor vehicle on City business shall not permit any person to ride as a passenger in such motor vehicle unless he/she is wearing a seat belt.
- Employees operating or riding on non-licensed motorized equipment with seat belts shall use the
seat belts.

- The provisions of the seat belt policy shall not apply to:
  o Any person riding as a rear seat passenger in a motor vehicle in which the seating position is not equipped with seat belts and the other seat belt equipped seating positions are occupied by other passengers.
  o Any person who is physically unable to use seat belts provided the condition is certified by a licensed physician.
  o Any driver or passenger who exits a frequently stopping motor vehicle with a gross weight of 24,000 pounds or greater and the speed of the vehicle between stops does not exceed 15 mph. All other times the seat belt must be worn.
  o The application of the provisions of mandatory seat belt use will be monitored by all supervisory personnel.

- Failure to wear an installed seat belt shall be considered a serious violation.
  o Disciplinary action in accordance with the City of Olathe personnel rules and regulations may be implemented for violation of the mandatory use of seat belts.
  o Disciplinary action may be in addition to any City driving probation/suspension, as well as any citation or fines issued under City ordinances or state laws.

5.F. Special Equipment Vehicles

- Special equipment, such as tractors, hi-lifts, high rangers, graders, plows, cranes, or any unit with special devices added for specific types of work, will require formal instruction prior to use by an operator. This special training may include, but is not limited to, the following:
  o Explanation and demonstration of all control devices.
  o Explanation and demonstration of all safety equipment.
  o Explanation and demonstration of maximum load capacity.
  o Knowledge of maintenance items, such as fuel, water, oil, or other minimum operating needs of the unit.
  o Demonstration of operation.
  o Observation and testing of new operator/drivers by the designated supervisor.
  o Instruction in driving to/from or on/off a trailer, all parking procedures, and the method for securing it.

A record of this training is to be maintained by the department and is subject to inspection by Risk Management, insurance companies, and/or state and federal regulatory agencies.

- Passengers on special equipment will ride only in the seats designated for passengers.
- Operators will have visual control of the area around the equipment and have a person guiding them when backing it.
  o A backing guide is required for in-street work when the street is not closed to traffic.
- Unlicensed construction type equipment should not exceed 20 MPH in the public right-of-way.
  o This equipment should use the right lane except when a left turn is required.
  o The right-of-way will be given to all licensed motor vehicles, bicycles, and pedestrians.
5.G. General

• Backing vehicles without a clear view of the area behind the vehicle will be done only with the assistance of a guide.
  o If a second person is in the vehicle, then he/she will get out and guide the vehicle back using the appropriate hand and voice signals.
  o If the driver is alone, then he/she will get out of the vehicle and inspect the area behind the vehicle before backing. Again, strict caution is to be observed.

• Riding on the sides, tool boxes, tailgate, or roof of any truck is prohibited.
  o Further, sitting or standing in the back of any moving truck is not permitted.
  o Riders will be seated only in the intended area.

• Employees will carry their state driver's license when on the job.
  o Suspension or loss of driving privileges may or may not result in termination, but will result in employment reclassification until driving privileges are reinstated.

• Each employee who operates a vehicle for City business is required to report any suspension or revocation of his/her license to his/her supervisor. The supervisor will in turn advise the Human Resources Department.
  o Failure of an employee to report a change in license status will result in disciplinary action.

• Riding on consoles of trucks is strictly prohibited.

• Except for authorized emergency vehicles, posted speed limits are to be obeyed, and speed should always be adjusted to traffic, lighting, weather, and road surface conditions.

• All operators of City vehicles will attempt to keep a two- to four-second distance behind other vehicles to avoid tailgating.
  o Do not allow others to tailgate.
  o Slow down, pull over, and let the tailgater pass when it is safe to do so.

• Drivers will direct their full attention to driving.
  o Any detailed inspection tour of streets, trees, signs, etc. from a moving vehicle should be made by a person other than the driver.

• Vehicle headlights will be turned on when vehicle is occupied and in motion.

• Operating a motor vehicle with headlights on regardless of conditions is in compliance with the City’s safety program.

• All drivers should receive periodic reviews of their in-vehicle driving abilities.

• Periodic training exercises will be conducted for special driving skills.
• Being under the influence of or consumption of alcoholic beverages or drugs two hours prior to or during the operation of a City vehicle is strictly prohibited and will be subject to disciplinary action.

• Employees under a doctor's care and using prescription medication must notify their supervisor and have a doctor's statement that the medication will not impair their driving or equipment operation abilities.

• Trailers are to be fastened securely to vehicle hitches; safety chains will be used.

• Employees are not authorized to remove or modify any factory installed safety device, including but not limited to, seatbelts, air bags, roll bars, back-up alarms, four-way flashers, brake lights, etc.

• All items to be transported either in a truck or trailer that may move around during transport should be secured and not exceed the authorized vehicle load weight limit.

• No more than three persons may ride in the front seat of any vehicle.
  
  o If only two single seats or seat belts exist, then there is to be only one rider per seat or seat belt.

5.H. Driving Infractions

The following items relate to paid traffic fines/convictions during or after work hours, as well as City work related, preventable accidents.

• An employee with any combination of two traffic tickets or preventable accidents in 24 months may receive a driver eligibility warning/notice with the requirement to attend the City's Driver Improvement Training Course.

• An employee who incurs any combination of two traffic tickets or preventable accidents in 12 months or three in 24 months may be placed on City driving probation for up to 12 months.

• If during any 12 month period an employee incurs any combination of three traffic tickets or preventable accidents or during any twenty 24 month period incurs any combination of four, then employee may be subject to a City driving suspension for a period of up to one year, but not less than 30 days, which may result in termination of employment.

• Any employee who is allowed to return to "driving on City business" after a City driving suspension will be subject to a one-year City driving probationary period.

• Any employee incurring a driving infraction during a City driving probation may receive a driving suspension for the balance of the probationary period, but not for less than one month, which may result in termination of employment.

• Any employee who is convicted of driving under the influence (DUI) is subject to a City driving suspension of up to one year, which may result in termination.

• The City uses the National Safety Council’s definition of a preventable accident: “any accident involving an organizational vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the driver in question failed to exercise every reasonable precaution to prevent the accident.”

• Detailed procedures and forms are contained in the Risk Management Manual, Section:  25-06, Driver’s License and Motor Vehicle Accident Review.

6. PROCEDURES FOR REPORTING ACCIDENTS AND/OR BREAKDOWNS OF MUNICIPAL VEHICLES
6.A. Police Investigations

In the event an operator of a City vehicle is involved in an accident, regardless of the severity, the Olathe Police should be called to the scene. If a bodily injury requiring ambulance transport or an extensive property damage accident should take place outside of the City, then the Police or Sheriff's department of that jurisdiction should contact the Olathe Police. The operator of a City vehicle involved in an accident should obtain names of witnesses and exchange all of the necessary identification and insurance information with the other driver(s).

6.B. Vehicle Maintenance Facility

If a City vehicle is disabled as the result of an accident or if a municipal vehicle breaks down and becomes inoperable, then the City’s Fleet Manager and operator’s department manager/supervisor are to be notified. If the vehicle is not in Olathe and needs to be towed back to the City Vehicle Maintenance Facility, then the other jurisdiction's police department should be notified that the City’s Fleet Manager will make the necessary arrangements to retrieve the vehicle.

6.C. Notification

Operators of City vehicles should be sure that whenever a serious incident occurs, whether a breakdown, traffic accident, or vandalism, the responsible department manager/supervisor and the City Fleet Manager are notified by the most expeditious means.

6.D. Reporting Procedures

Detailed procedures are contained in the Risk Management Manual.

7. SAFETY EQUIPMENT

7.A. Personal Safety Equipment

It is the City's intent to provide, make available, or require the necessary personal protective equipment needed in performing routine operations. These items can include, but are not limited to:

- Safety Shoes
- Rain Gear
- Gloves
- Boots
- Protective Headgear
- Safety Glasses
- Face Shields
- Goggles
- Hearing Protection
- High Visibility Safety Vest or Garment
- Gas Monitoring Devices
- Welding Clothing/Shields
- Breathing Apparatus
- Special Application Tools
- Protective Clothing
- Life Preservers

7.B. Decision to Use

The use of personal protective equipment is mandatory and the responsibility of the individual employee
when hazards indicate a need. The decision to implement the use of specialized protective equipment is the responsibility of the involved department unless required by law or recommended by the Loss Control Coordinator.

7.C. Unapproved Foot Wear

Tennis shoes, jogging shoes, canvas shoes, sandals, loafers, etc. are not considered appropriate work footwear for any activities other than recreational ones.

7.D. Mandatory Use

Requests for equipment that is not immediately available should be directed to the responsible supervisor. Use of available and required personal protective equipment is the employee's responsibility. Ignoring this requirement may be considered a serious offense and subject to disciplinary action.

7.E. Additional Safety Equipment

To protect employees from unnecessary exposures, other equipment is provided, including barricades, cones, warning signs, warning lights, and many other specialty items. Consult with a supervisor or the Loss Control Coordinator for more information.

7.F. Use of Hard Hats

A hard hat is a personal item and shall be for the exclusive use of the employee to whom it is issued. Hard hats shall not be altered, painted, or otherwise defaced in any manner. Hard hats will be worn by employees when involved in the following situations:

- Present for any reason on construction sites where hard hats signs are posted.
- All water, sewer, street, and construction operations where work is being done with lifting or excavation equipment (or anything similar during Parks and Recreation Department operations).
- In excavations four feet or greater, where equipment or personnel are working above other workers, or where any other potential of head injury exists (or anything similar during Parks and Recreation Department operations).
- In manholes, lift stations, or pump stations below ground.
- All forestry operations.
- Any task by an employee where a potential for head injury exists, such as working below someone on a ladder, platform, or scaffold.
- All personnel engaged in climbing tasks or working from aerial lifts.
- In locations damaged by disaster, fire, flood, or other cause that could result in structural damage or falling material.
- Persons working near high-voltage electrical hazards.
- All supervisors involved in any of the above types of work.

7.G. Use of Eye and Face Protection

Protective eye and face equipment is required where there is a reasonable probability of injury that can be
prevented by such equipment. In such cases, employees are responsible for using protection suitable for the work to be performed.

Suitable eye protectors will be used where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards. Examples include, but are not limited to, the following:

- Working with or in the immediate area of machines (grinders, lathes, drills, saws, compressed air, etc.).
- Working with or in the immediate area of welding equipment.
- Working under equipment from which foreign objects might fall.
- Working with chemicals or other hazardous powder or liquid.

7.H. Use of Foot Protection

- Employees shall wear appropriate foot wear.
- Safety shoes (hard toed, special soles, or other safety features) shall be worn whenever there is a hazard of slipping or of dropped, falling, or rolling objects. Examples include, but are not limited to:

  Indoor Activities
  - Automotive and equipment maintenance personnel.
  - Building maintenance and service personnel.
  - Receiving or equipment storage and parts personnel.
  - Inspectors who are required to enter locations where there are hazards to the feet.

  Outdoor Activities
  - Construction and utility repair personnel.
  - Sanitation operation personnel.
  - Heavy equipment operators.
  - Full foot (toe and metatarsal) protection shall be worn by operators of impact and cutting machines, such as a jack-hammer.

7.I. Hearing Protection

Permissible Exposure Chart

<table>
<thead>
<tr>
<th>Level Measured in Decibels</th>
<th>Hours of Exposure Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>85</td>
<td>8</td>
</tr>
<tr>
<td>87</td>
<td>6</td>
</tr>
<tr>
<td>90</td>
<td>4</td>
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<td>92</td>
<td>2</td>
</tr>
<tr>
<td>95</td>
<td>1</td>
</tr>
<tr>
<td>97</td>
<td>1/2</td>
</tr>
<tr>
<td>100</td>
<td>1/4</td>
</tr>
</tbody>
</table>

- When equipment, machinery, or tools operate at 85 decibels (dba), personnel using such equipment shall wear hearing protection.
• When a work task, operation, or area is identified as producing greater than 85 dba, all employees experiencing that exposure will be required to wear ear protection.

• Ear protection will consist of ear muffs or ear plugs. The type most acceptable to the task shall be provided and worn whenever possible, as long as it achieves sufficient reduction of noise exposure.

7.J. Respiratory Protection

• Supervisors shall learn about the following items and then thoroughly instruct all employees whose work assignments may involve exposure to atmospheres containing noxious or toxic substances or oxygen deficiency.
  - The properties of such atmospheres.
  - Their potential hazards.
  - The circumstances under which these hazards may exist.
  - The proper method of testing for hazardous atmospheres.
  - The proper type of protective breathing apparatus to use and how to use it.

• Refresher training of all affected employees shall be conducted at least annually. New employees should receive initial instruction as soon as possible after hire.

• Suitable breathing apparatus shall be kept available near work environments involving the possibility of exposure to harmful atmospheres. The apparatus shall be kept sterile and used only for the protective function intended.

• Approved respirators shall be worn in the following instances:
  - When welding on brass, bronze, or galvanized iron in confined areas where ventilation is limited.
  - When welding metal equipment that has been painted or coated with synthetic preservatives or other surface preparations and adequate measures to capture and exhaust toxic or noxious contaminants from the worksite atmosphere are not available.
  - When entering manholes, sewers, vaults, boilers, or other confined spaces where tests indicate the presence of noxious atmosphere after attempts to purge and ventilate them.
  - When working above suspended ceilings or removing ceiling tiles. (Approved personal protective clothing may be required.)
  - When determined by the supervisor to be advisable due to the known or suspected presence of hazardous substances or lack of oxygen in the environment concerned.

• All employees who may be required to wear self-contained breathing equipment for entry to a toxic or oxygen-deficient atmosphere must have a current certification by a physician to determine whether or not use of supplied air or self-contained breathing equipment would be injurious to their health.

7.K. High-Visibility Safety Vests
• High-visibility safety vests or other high-visibility apparel meeting the requirements of “American National Standard for High-Visibility Apparel” and labeled as meeting the ANSI standard for Class 2 risk exposure for daylight and Class 3 for night-time use will be worn by any City employee who:

  o Is involved with work that requires him/her to be at the curb line or on the traveled portion of the street.
  o Is involved with work where traffic is present even if there is no curb line.
  o Firefighters will wear high-visibility outer garments or high-visibility vests when in traffic or off the curb line.
  o Uniformed police officers will be exempt on traffic stops only. High-visibility garments are to be worn when assigned to control traffic or after sunset at an accident scene.
  o When a street or construction area is completely blocked off to all traffic, then street and utility maintenance/construction crew members need not wear high-visibility safety vests if wearing orange/red hard hats.
  o If one or more lanes of traffic remain open on the street where construction is occurring, then high visibility safety vest or garment must be worn.
  o Merely crossing the street, getting out of a vehicle and walking to the curb line, or placing a notice/ticket on a vehicle do not require the use of high-visibility safety garments or high-visibility vests.
  o Working on a vehicle located in the vehicle traveled portion of the right-of-way requires the wearing of a high-visibility safety vest or garment.

8. PORTABLE POWER TOOLS

8.A. General

• Never lock the actuating switch in the "ON" position.
• Keep hands, feet, and body parts out of the line of operation.
• Assume a well-balanced stance on firm footing when using tools.
• Suitable personal protective equipment for the head, ears, eyes, body, and feet shall be worn when operating power tools.

8.B. Grinders

• The rated speed of the grinding wheel (indicated on the wheel) shall not be exceeded.
• Grinders shall be equipped with safely washers.
• Stand to one side out of the line of flying particles until the wheel reaches full speed. If uneven wear or vibration develops, then adjust or replace the wheel.
• Wear eye and face protection while grinding.
• Bench grinders shall be equipped with shields and tool rests. The tool rest shall be secured not more than 1/8 inch from the wheel.
• All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure they are free from defects.

8.C. Portable Electric Tools
All portable electric tools used in City operations must be of the double-insulated type or must be grounded by connecting a three-wire cord with a polarized, three-prong plug to a properly grounded three-hole receptacle. If extension cords are used, they must be of the three-conductor type with a matching plug and receptacle.

As an additional precaution, ground fault circuit interrupters must be used whenever portable tools are used at out-of-door job sites.

If it is necessary to use electrical equipment in a wet location, use low voltage equipment and/or a ground fault circuit interrupter. In addition, rubber boots and rubber gloves shall be worn.

Extension cords and cords from tools shall be protected from contamination by oil or acid solutions.

Cords shall be protected from damage to wire conductors or terminal connections by excess tension (pulling), kinks, pinches, etc.

Cords shall be protected from damage to rubber insulation by exposure to heat, cuts, abrasion, pinching, etc.

Electrical hand tools shall be visually inspected each time they are used for damage to cords and ground connections.

   o The most common defects occur at the points where the cord is attached to the tool or where the cord is attached to the plug.

   o Check for a secure connection and for lack of proper insulation at these points.

Defective portable electric equipment may be dismantled and repaired only by qualified maintenance personnel as designated by the department director.

Remove adjusting keys or wrenches before starting.

Never overload or use undersized equipment.

Never issue or operate a tool without the proper guard.

To make adjustments, clear jammed objects, or change blades, bits, etc. always shut off power, wait for the machine to stop, and disconnect the electrical plug.

Do not leave portable electrical tools unattended with the power cord plugged in.

Do not carry plugged in portable electric tools with finger(s) on or near the switch.

Hearing protection should be used.

8.D. Gasoline Engine Powered Tools

Disengage the clutch before starting gasoline powered tools, and never start them under a load.

The engine should be shut off and the spark plugs disconnected prior to clearing jammed objects or making adjustments.

A machine shall not be operated without the guards provided for it.

Running equipment shall not be left unattended.

The engine will be turned off and hot engines shall be allowed to cool prior to refueling.

Smoking is prohibited while refueling.

Only Underwriter’s Laboratory (UL) approved, explosion proof fuel cans shall be used for storage of gasoline.
• Use caution with engines using coolants since they may be highly flammable.
• Hearing protection shall be used.

8.E. Portable Compressed Air Tools

• Lift equipment properly; assume a well-balanced stance on firm footing when operating tools.
• Attaching a portable air compressor to a vehicle shall be a two-person operation.
• Hearing protection shall be worn whenever an employee is operating or in close proximity to an air-powered jackhammer and/or chipping tool.
• Air hoses shall be secured either manually or mechanically before charging them with air pressure.
• Hoses and couplings shall be inspected periodically for damage and/or deterioration.
• The pressure relief valve shall be inspected each time the compressor unit is placed into operation.
• Defective equipment, hoses, valves, etc. shall be reported to supervisor immediately.
• Pressure regulators shall be inspected frequently during operation; if air pressure exceeds the maximum pressure stated for normal operations, then turn in unit for repair.
• Air pressure shall be turned off and released before disconnecting.
  o Air pressure shall not be released if personnel are standing in front of or over the outlet.
  o The valve shall be opened gradually.
• Hoses shall be secured to the tool's housing with a safety fastener, unless a safety coupling is in use.
• Hoses shall be protected from vehicular or pedestrian traffic by placing two planks on each side of the hose.
• Triggers on tools such as nail guns are not to be tied back, altered, or compromised.
• When using a nail gun on walls, the adjacent room shall be evacuated prior to and during use of the tool.
• In-shop compressed air nozzles shall reduce the air pressure to 30 psi or less,
• Compressed air shall not be used for cleaning clothes or body parts.
• Air streams shall not be directed at self or other personnel.
• Caution shall be used in cleaning machinery with compressed air.
• Personal protective equipment (hearing, eye, and foot protection) shall be worn as outlined above in Section 7.
8.F. Powder Activated Tools

- Bystanders and workers must be kept a safe distance from the point of operation when setting and exploding the charge.
- Powder actuated equipment shall be safely operated only by properly trained and authorized personnel.
- Keep charges stored in accordance with the manufacturer's recommendations and secure from unauthorized handling.
- Charges shall be kept from heat, chemicals, impact, or dampness.
- Do not use charges that are unfamiliar; be able to identify all types of powder charges.
- Evacuate the adjacent room prior to and during use of tools when driving them through walls.
- Hearing protection shall be worn by operator and others in immediate area.
- Personal protective equipment (hearing, eye, and foot protection) shall be worn as outlined above in Section 7.

9. OPERATIONS IN THE PUBLIC WAY

9.A. Responsibility

The proper use of warning devices should be planned in advance to meet the requirements of the job site. Pertinent portions of the current edition of the U.S. Department of Transportation’s Manual on Uniform Traffic Control Devices should be used as a guide when establishing a work zone. Whenever operations are taking place in streets, parkways, sidewalks, or other places where citizens and/or employees may be endangered, the supervisor/crew leader on the work site is responsible for monitoring the safety of the public and employees. The supervisor should spend ample time before, during, and after the work to ensure employees and the public are protected from hazards which may be created by this work.

9.B. General

- When street construction or repair work is to be done, vehicle and pedestrian safety preparation should be completed before such work is allowed to begin.
- If traffic will be affected by the operation, then proper signage will be used in advance to warn drivers of the work area.
- Traffic control signs in and around the affected area are to be placed and maintained throughout the period when work is being performed and while traffic obstructions exist.
- When barricades and signs are used overnight, the supervisors or crew chief will examine the work area for proper placement at the end of the workday and alert the City police to monitor for any vandalism or damage.
- Barricades equipped with flashing lights should be used whenever possible for overnight hazard protection.
- When traffic must be stopped periodically or obstructed by workers or equipment in the traveled portion of a roadway, an employee(s) wearing an orange/red hard hat, wearing a high-visibility safety vest or outer garment, and equipped with a “stop/slow” paddle should be stationed to control traffic through the Temporary Traffic Control Zone.
- All workers in and adjacent to the vehicle traveled right-of-way will wear a high-visibility safety vest or outer garment.
• Flaggers will be used to slow or direct traffic where the approach to the work area does not provide adequate visibility to approaching drivers or traffic has been reduced to one lane.

• A supervisor trained in work zone traffic safety will set up the work site; assistance in setting up signs or barricading is available at any time from the City Traffic Engineer.

• All steel plates used to cover holes in the street on a temporary basis are to be "spiked" or adequately secured in place.

• In any case when streets are significantly obstructed or closed for any period of time, the Police and Fire departments are to be notified of the situation and told approximately how long the closure will be in effect.

9.C. Pedestrian Safety

When pedestrian traffic is impeded, official municipal barricades, restrictive tape, fencing, rope, or other restraints should be used to keep the public from the work site. If pedestrian traffic must be routed off sidewalks and into the street, then protection should be provided by the appropriate combination of cones, barricades, and signs to guard pedestrians from vehicular traffic.

Excavations in the sidewalk or parking that must be left open should be covered whenever possible and include appropriate perimeter protection. Keep in mind that darkness and snow can reduce visibility and complicate the situation.

When an unusual situation exists that cannot be easily resolved, or when serious personal injury or damage to equipment or property occurs as a result of operations, contact the responsible supervisor and the Loss Control Coordinator immediately.

10. EXCAVATIONS

10.A. Job Site Hazards

Call and obtain utility locations prior to any excavation or installation of any post or pole. Danger is everywhere on a construction job site. The best defense against injury or death is recognition of the hazards that exist. The following are just a few hazards:

• Any trench five feet deep or deeper must use a shield, or be shored or laid back to the proper slope angle.

• Keep all loose material and construction equipment two feet from the edges of trench excavation.

• Keep the trench dry - water indicates danger; take steps to get water out of the excavation or ditch.

• Read and understand all warning signs and posters, which are posted to alert of job site hazards.

• Know where emergency equipment is located; if an accident happens, then only minutes are available in which to act.

• Know blasting signals when working near explosives.

• Work carefully around utilities.

  o Underground utilities and overhead lines present a great hazard.
  o Operate at the proper distance from these hazards.

• Keep area neat; protect against injuries from tripping hazards and exposed nails, among others.

• Use ladders properly; make sure they are tied off and extend three rungs above the trench.

• Use fencing or barricades to keep people and vehicles away from the trench.
• Protect the job from theft and vandalism; vandalism can make equipment unsafe to operate.

10.B. Personal Protection

• Each employee is responsible for using the appropriate personal protective equipment provided and/or required at the job site.

• Employees working in a right-of-way shall wear high-visibility safety vests or high-visibility outer garments.

• Employees working in the trench or near excavation equipment shall wear hard hats.

• Trenches exceeding a depth of four feet that are near landfills, hazardous chemical storage areas, or gas lines shall be tested for adequate oxygen of at least 19.5 percent and for flammable gas in excess of 20 percent of the lower flammable limit of the gas.

10.C. Heavy Equipment Operation

Operators are responsible for the safety of the entire crew. Attention to the safe operation of machines can mean the difference between a safe job site and tragedy. The following guidelines should be used:

• Check equipment daily, keep it in good working condition, and know the limits of the equipment.

• Keep walking surfaces clean; fuel spills, oil spills, mud, ice, and dirt can lead to falls.

• Use proper personal protective equipment, and ensure other workers at job site are using theirs.

• Locate underground and overhead utilities, and work carefully when excavating near them.

• Use signal persons or alarms when working blind; do not expect other people to know what work is being done.

• Keep equipment away from trenches; vibration can cause collapse.

• Do not allow riders on equipment; machines are not substitutes for ladders or vehicles.

• Park, shut down, and secure equipment properly; move hydraulics to the "down" position, and secure from unauthorized use.

10.D. Sloping

The maximum allowable slope for sides of excavations less than 20 feet deep as shown in 29 CFR 1926.562, Appendix B, is:

- **90°** Solid Rock: shale or cemented sand and gravels.

- **53° (½ : 1)** Type A: cohesive soils with an unconfined compressive strength of 1.5 tons per square foot (tsf). (Clay, silty clay, sandy clay, clay loam, and in some cases silty clay loam and sandy clay loam. No soil is Type A if fissured or subject to traffic vibration, pile driving, or similar effects.)

- **45° (1 : 1)** Type B: cohesive soils with an unconfined compressive strength greater than 0.5 tsf, but less than 1.5 tsf. (Angular gravel, silt, silt loam, sandy loam, and in some cases silty clay loam and sandy clay loam.)

- **34° (1 ½ : 1)** Type C: cohesive soils with an unconfined compressive strength of 0.5 tsf or less. (Granular soils, including gravel, sand, loamy sand, submerged soil from which water is freely seeping, or submerged unstable rock.)
10.E. Trench Shields

Trench shields or other protection must be used in trenches five feet or more deep.

11. CONFINED SPACES

11.A. General

Confined spaces are difficult to get into and out of and have potential for dangerous atmosphere. Explosive gases, toxic conditions, and lack of oxygen mean trouble to anyone working in the space. All confined spaces shall be considered “permit required,” unless otherwise approved by the Loss Control Coordinator or his/her designee.

1. Be able to recognize a confined space; if uncertain, then do not enter until find out.
2. Obtain permission before entry; never enter any confined space without supervisor's permission.
3. Understand hazards before entry; every confined space is different, so make sure know hazards and are properly protected before entry.

11.B. Procedures

These procedures do not preclude more stringent departmental confined space safety standards.

1. Each department will draw up a list of confined spaces where entry procedures would be used.
   a. Any area where there is uncertainty about whether or not it is considered a confined space will be referred to the Loss Control Coordinator for assistance.
2. Before an unprotected person enters a confined or enclosed space, the atmosphere shall be tested with a suitable instrument to determine whether or not the atmosphere is respirable and whether or not any combustible contaminants are present.
   a. Workers dealing with the sewage system shall test for hydrogen sulfide, as well as the above mentioned conditions.
3. Where possible, workers shall test the atmosphere with a probe through a vent hole prior to opening the cover door.
4. If the atmosphere is determined to be respirable and non-combustible, then the space shall be ventilated and tested again before entry may be made.
5. The gas-testing instrument shall remain activated during the entire time an employee is in the confined space to provide continuous monitoring and assurance of respirable atmosphere.
   a. If the instrument gives warning of either a drop in oxygen content or presence of combustible atmosphere, then immediate exit from the space is mandatory.
6. If a test indicates combustible atmosphere and it is possible that a gas line leak is the cause, then post appropriate warning against introduction of any ignition source, contact supervisor, and request notification be given to the appropriate natural gas company.
   a. Do not ventilate until after the gas company has obtained samples of the atmosphere.
   b. If the combustible source is natural gas, then make no attempt to enter the confined space until the source is located and necessary repairs of any leaks are made by the gas company; ventilate thoroughly and re-test.
7. If under any circumstances an explosion should occur in a confined or enclosed space, whether entry is made or not, the natural gas company and the Fire Department should be notified.
immediately.

8. If tests do not indicate a combustible atmosphere, but do indicate a non-breathable atmosphere, then ventilate area thoroughly and test again. If after a reasonable period of ventilation the atmosphere is still not breathable, then do not enter, and report this condition to supervisor.

9. During work in a confined space, the introduction of respirable air through constant ventilation is a safety factor which should be retained whenever possible. However, when personnel are working in small enclosures where the stream of forced air interferes with work or causes physical discomfort, then constant ventilation may be omitted, provided the proper testing and ventilation is performed before entry and constant monitoring is performed during the entire time an employee is in the space to ensure there is continual respirable atmosphere.

10. When work is being performed in a confined space, another employee shall be available in the immediate vicinity (on the surface) to render emergency assistance if required. In an emergency situation, the top person may be from another department, such as Police or Fire.

11. When setting portable blowers to ventilate the area, make sure the air intake will not pick up carbon monoxide fumes from the engine exhaust.

12. When working in a confined space, smoking and use of ignition sources, other than those approved and required to do the job, shall be prohibited.

13. If entry and ventilation are made at a right-of-way or street opening, then set up barricades and advance warning signs to protect pedestrian traffic and to alert vehicle traffic before covers of manholes, hand-holes, or vaults are removed. High-visibility safety vests or high-visibility outer garments are to be worn.

14. Never allow exits to be blocked while working in a confined space.

15. If tests show the presence of a non-respirable atmosphere and if, prior to ventilation, it is necessary to enter a confined space, then a person trained in the use of protective equipment shall be provided with an approved positive pressure breathing apparatus or equivalent before entering.

   a. The use of canister breathing apparatus for entry into toxic or low oxygen atmosphere is prohibited.

16. All employees who may be required to wear self-contained breathing equipment for entry into a toxic or oxygen-deficient atmosphere must have a physical examination every year to determine whether or not the use of supplied air or self-contained breathing equipment would be injurious to their health.

17. If an employee equipped with self-contained breathing equipment enters an area with dangerous atmosphere, then standby personnel must have suitable rescue equipment.

18. When employees inspect storm sewers, sanitary sewers, or water mains by walking through them, the following procedures shall apply:

   a. One manhole shall be opened ahead of the segment to be inspected.

   b. At least one employee shall remain on the surface and walk the same route.

   c. Employees walking the pipes shall report to the employee on the surface at each manhole.

   d. Tests for combustible and non-respirable atmosphere shall be made.

      i. A portable blower should be put in operation for ventilation.

      ii. The air flow of natural ventilation should be determined, and the blower should be located so as to introduce a flow of air in the same direction as the natural air.
flow.

e. All persons in a pipe shall be equipped with self-contained breathing apparatus.

i. At least one gas testing instrument shall continuously monitor the atmosphere for oxygen deficiency.

ii. The workers shall also test continuously for combustible atmosphere while they remain in the confined space.

19. If any employee suffers an adverse effect or becomes unconscious while entering a confined space, then summon emergency service help immediately and notify supervisor.

a. Notify the Loss Control Coordinator by the most expeditious means.

b. All supervisors of employees that enter confined spaces should be trained in CPR.

20. Any employee entering a “Permit Required - Confined Space” subsurface space must wear a harness and lifeline.

a. The harness and lifeline must be tended by employees on the surface.

b. Entry may be made without harness and lifeline, as long as readings are satisfactory, but an attendant must still be present on the surface.

21. Any employee entering a “Permit Required - Confined Space” subsurface space must test the atmosphere prior to and during entry for:

a. Oxygen.

b. Flammable gases and vapors.

c. Potential toxic air contaminants.

22. It is mandatory when entering a closed vessel, tank, or similar space that a harness and lifeline be worn while wearing a self-contained breathing apparatus.

a. A person must be stationed outside to handle the line and summon assistance in case of an emergency.

b. This procedure is also required when welding operation is conducted in a confined space.

23. Monitoring for "toxic gases" is mandatory before entering a confined space.

24. In an emergency situation when one or more workers are trapped in a confined space, the employee on the surface shall not enter the confined space to attempt a rescue until:

a. After contacting the Fire Department, 911, or delegating that responsibility to a co-worker or individual trained in confined space procedures.

b. Another person is available to be stationed outside to handle the line and assist.

c. A self-contained breathing apparatus has been donned, checked out, and lifeline attached.

i. Upon entering, the employee may not remove his/her air supply mask for any reason.

25. Any confined space, where possible, will have affixed to the opening a decal stating it is a confined space and that confined space entry guidelines will be followed.

a. Where it is impossible to affix such a decal, workers will be informed prior to entry that the space is to be treated as a confined space.
11.C. Employee Responsibility
The requirements of each department can be very different; however, each employee is responsible for understanding and adhering to the above minimum procedures prior to working in any confined space.

11.D. Special Equipment and Training
Special equipment, such as monitors, ventilators, and rescue devices, require special training. No employee will be involved in the use of such equipment without training.

11.E. Training Documentation
Training for entry into confined spaces will be documented by each department and conducted on a regular basis as needed. The employee is responsible for receiving training prior to entry into any confined space.

12. BLOODBORNE EXPOSURES

12.A. Exposure Determination
The City has determined certain positions may incur occupational exposure to human blood or other potentially infectious materials. The exposure determination is made without regard to the use of personal protective equipment.

12.B. Exposure Control Plan

12.C. Positions
The City positions involved are: police officers (all sworn ranks and property custodian), firefighters (all grades), lifeguards, custodians, wastewater collection workers, and some park maintenance workers.

12.D. Others
All other City employees are not within the scope of the Bloodborne Pathogens Exposure Standards. However, they are to report to their immediate supervisor any contact with human blood while in the performance of assigned duties. Such report must be made immediately after contact with blood or other potentially infectious body materials that are not their own.

13. CHEMICALS

13.A. Identification
All City employees are expected to know the identity of all chemicals they handle. All chemicals will be in marked or properly labeled containers. Portable containers into which hazardous chemicals are transferred from labeled containers that are intended only for the immediate use of the employee transferring the chemical do not have to be marked or labeled. Unmarked containers will not be left unattended or used for storage of a chemical.

13.B. Handling and Storage
Material Safety Data Sheets (MSDS) will be available at the workplace where chemicals are handled and stored. Employees are responsible for knowing the proper handling and storage methods required of each chemical they use or handle.

13.C. Disposal
All employees are expected to know and utilize the proper disposal methods for all chemicals they use or handle.
13.D. Emergencies
All employees are expected to know the proper emergency procedures for chemical spills or releases in the workplace.

13.E. Program and Procedures
The City's Chemical Handling and Storage Program is contained in Section 25-12 of the Risk Management Manual. This section (RMM25-12) should be found in each regular work site together with the MSDS used in that facility. Refer to RMM25-12 for additional information.

13.F. Training
Each department will conduct training as specified in RMM25-12.

14. LADDERS AND SCAFFOLDING

14.A. Injury Types
Mishaps involving electricity and falls from high places result in the two most critical types of injuries involving ladders and scaffolding. Other hazards include: splinters, slivers, and slipping, which causes sprains, strains, bruises, abrasions, and puncture wounds.

14.B. Safety Standards
The following safety standards may prevent accidents:

Ladders
- Metal ladders are not to be used in the vicinity of exposed electrical wiring or open circuits.
- Periodically inspect wooden ladders; they shrink over a period of time.
  - In a stepladder, this may cause steps or back bar members to become loose.
  - Hold the rods beneath the steps with pliers, and tighten the nut at the end with a wrench to maintain strength and keep the ladder steady.
- Wooden ladders or scaffold planks shall not be painted; paint can hide a defect.
  - To preserve the wood, use a good grade of spar varnish or a mixture of linseed oil and turpentine when necessary.
- Non-skid feet should be used on all straight and extension ladders.
- When properly placed, the feet of the ladder should be about one-fourth of the distance away from the vertical surface.
- Ladders should never be placed against window sashes.
- When using a straight ladder, it should be long enough to extend at least three rungs above the level to which the user is climbing.
  - Stepladders are not to be used in lieu of straight ladders; they are not designed for that purpose.
- If the feet of a straight ladder are to rest on an unsecured surface, then secure the ladder in position by the use of hooks, ropes, spikes, cleats, or other anti-slip devices or by having an employee wear a hard hat and stand at the base of the ladder to hold it during use.
- Never stand on the top or top step of a stepladder.
• Only one person should be on a ladder at a time.
• Never carry articles while climbing.
  - Use a hand line to raise and lower tools and materials or suspend them suitably in a tool belt.
• Use both hands and face the ladder when ascending or descending.
• Clean muddy or slippery shoes before climbing a ladder.
• Keep rungs clean and free of grease, oil, and caked-on dirt.
• If it is necessary to place a ladder near a door or where there is potential for foot traffic, then set up warning signals or take other precautions to prevent accidental contact that might upset the ladder.

**Scaffolding**

• Proper supervision is required to erect scaffolding.
• Planks and other material used in building scaffolding must be sound and free from knots.
• Keep planks in good condition with spar varnish.
• Never paint the planks.
• Keep planks clear.
• Scaffolding used for work over 10 feet off the ground should have mid-rails and handrails.
• Tools left on top of scaffolding can easily fall to the ground and injure a passerby; keep tools in a container lashed to the scaffold.

**Personal Protective Equipment**

• Hard hats should be worn when working below an occupied ladder or scaffold.
• Other personal protective equipment, such as gloves and eye protection, should be used as warranted.

15. OFFICE SAFETY

15.A. Hazardous Environment

Office work is more hazardous than is commonly supposed with many accidents occurring during ordinary office routines. Anyone can prevent office accidents.

15.B. General

• Every employee is responsible for keeping his/her own desk and work area clean and orderly; good housekeeping is an important key to a safe office environment.
• Be alert for and report loose or threadbare floor coverings.
• Employees should be extra cautious when coming to a door that can be opened in their direction.
  - Slowly push open doors.
  - Slow down when coming to a "blind corner."
• Haste when walking between desks can result in bruises and falls.
• Keep electrical cords out of aisles.
• All file, desk, and table drawers shall be kept closed when not in use.
  o Before leaving an open drawer, close it.
  o Never open more than one file drawer at a time.
• Overloading the top drawer of unsecured file cabinets has caused many an injury.
  o If unfamiliar with a file cabinet, then test the drawers, being careful not to pull them out to full extension.
  o Take caution since there may be no locking device on the inexpensive or older model cabinets to prevent the drawer being pulled from them.
• Office tables, desks, and chairs must be maintained in good condition and free from sharp corners, projecting edges, wobbly legs, etc.
• Tilting chairs can be hazardous when improperly used; take care to assure they are in good working condition.
• Never use chairs, desks, or other office furniture as a makeshift ladder.
  o Always use stepladders or step-stools.
  o Do not overreach and lose balance.
• Message spindles and knife shaped letter openers are not recommended for City use.
  o Remove them from counters and desk tops.
  o They should not be accessible to the general public or anyone other than the user.
• Scissors, paper cutters, and similar office tools can easily cause minor, but painful injuries.
  o Report such injuries at once, and take precaution to avoid infection.
  o Keep the blades of paper cutters closed when not in use.
• Keep hands clear of electric typewriter carriages and printers.
• Paper cuts can be painful.
  o Use a sponge or other wetting device for envelopes.
  o Use rubber finger guards when working with stacks of paper.
• Keep paper clips, thumb tacks, and pins in a place where they cannot injure anyone.
• Keep razor blades and Exacto knives/blades covered.
• Be sure all electrical equipment is grounded and the cord is in good condition.
  o If a machine gives a shock or starts smoking, then unplug it.
  o Report the defective device immediately.
• City ordinance requires employees to refrain from smoking in City buildings.
  o Ensure that visitors are aware of this policy.
  o Do not permit the flicking of cigar or cigarette ashes or the disposing of butts into wastebaskets.
FIRE PREVENTION AND EMERGENCY EVACUATION

16.A. General

- Each employee will be familiar with the fire alarm signal, evacuation routes, and assembly sites as posted in their specific area.
- In the event of a fire, call the Fire Department immediately, dialing 9-9-1-1 from internal phones and 9-1-1 from external and pay phones.

16.B. Housekeeping

- Good housekeeping shall be practiced at all times.
- Dispose of trash, papers, and other combustible materials by placing then in the proper waste container.
- Oily and greasy materials shall be disposed of in covered metal waste containers.

16.C. Flammable Liquids

- Gasoline, utilized in small quantities, may be stored only in UL approved, explosive proof, safety cans.
  - No more than five gallons of gasoline shall be stored inside a building at one time, unless it is in an approved safety can and stored in an approved metal safety cabinet.
  - Safety cabinets will be limited to 60 gallon storage capacity.
- When dispensing flammable liquids, the receiving container and the dispensing container shall be effectively bonded.
  - Drums from which flammable materials are dispensed shall be grounded.
- Paints and other flammable liquids will be stored in approved safety cabinets.

16.D. Smoking

- Smoking and carrying lit pipes, cigars, or cigarettes are prohibited in all City buildings, structures, and vehicles.
- Smoking and carry lit pipes, cigars, or cigarettes are prohibited in areas on City grounds where "No Smoking" signs are posted or where there is a fire or explosion hazard from smoking.

16.E. Fire Extinguishers

- Activating a warning for other persons in the area and dialing 9-1-1 should be performed before approaching a fire with a fire extinguisher.
- Fire extinguishers, appropriate for the potential exposure, shall be located so they are easily available for use.
  - The location shall be clearly marked with signs.
  - Access to the equipment shall not be blocked.
- Anytime a fire extinguisher is discharged for any reason, the employee using it shall report the use to his/her supervisor and department safety representative.
SEASONAL AND PART-TIME EMPLOYEE SAFETY AND DRIVING REQUIREMENTS

17.A. Policies

All of the procedures and guidelines set forth in this safety program apply to all employees of the municipality regardless of the number of hours worked.

17.B. Orientation

The Loss Control Coordinator is available as needed to give orientation sessions to seasonal or part-time employee groups on the previously mentioned topics, as well as more specific topics. Whenever possible, requests for orientation sessions should be scheduled at least two weeks in advance.

SPECIFIED PROHIBITED ACTIONS

18.A. Use of Headset Music Players

As a general policy, the use of personal headset music players is not permitted on the job for the following reasons:

1. Headset units provide mental distraction from the concentration required to perform most jobs.
2. The ability to hear ambient sounds, including abnormal rattling and equipment noise, is affected.
3. Verbal communication from other employees is impaired.
4. Hanging wires leading from the unit's receiver to the headset can prove dangerous when near machinery.
5. Headset units are dangerous for vehicle operators and bicycle riders because they can easily muffle traffic noises.
   
   • Accordingly, municipal employees operating motor vehicles and machinery should exercise extreme caution when driving behind vehicle operators and bicycle riders wearing headsets.

18.B. Wireless Communication Devices

As a general policy, the use of City assigned and/or personal wireless communication devices on-the-job have limitations for use during the following activities due to the distraction and lack of concentration they present to safe work performance:

• While operating a moving, licensed, motor vehicle. Regardless of whether or not using a handheld or hands-free wireless device, a driver's first responsibility is to pay attention to the road. Conversations should be kept to an absolute minimum. Let the caller know there is a chance of having to hang up abruptly and calling back later when it is safe. Any lengthy conversation will require the vehicle to be brought to a stop at a safe location, preferably off the traveled portion of any highway or street. Conversations, taking notes, dialing, text messaging, emailing, working on files, or reading of displays must be avoided while moving on very busy main streets, highway exchanges, during rush hour, and in other heavy or congested traffic.

• While operating moving and/or in-gear, motorized, off-road (maintenance/construction type) equipment. Even hands-free wireless communication devices will not be authorized while operating this type of equipment, unless the equipment has been properly stopped and taken out of gear or turned off.
• While at any work site during which the operation of a wireless device will be a distraction to the user and/or may create an unsafe work environment. Such work sites include, but are not limited to: road repair, maintenance, construction, and operating/repairing energized equipment (electrical panels, motors, energized circuits, etc.). Such work sites must be secured, or the wireless device must be used by an employee only while out of harm’s way of such work environments.

• Use of wireless communication devices for personal conversations is limited to non-duty time, such as breaks, lunch, etc. Supervisors will have the authority to restrict or prohibit use of personal wireless communication devices at any time on-the-job when they consider that such situations and use may present a safety hazard to employee, co-workers, contractors, the general public, and to City and private property. Use of a personal wireless device is not authorized while operating a City vehicle.

• Please DO USE a wireless device to call for help or to help others in an emergency. However, do not place self or others in danger while doing so. If observing a serious auto accident, crime in progress, or other serious emergency where lives are in danger, then dial 9-1-1 and give the exact location and emergency information. Stay on the line as long as the dispatcher requires.

18.C. Alcoholic Beverages

Under no circumstances shall an employee report to work at the beginning of a shift, after lunch, or after a rest break under the influence of alcoholic beverages, nor shall any alcoholic beverages be consumed during duty hours or carried in/upon any municipal vehicle. Failure to observe this rule may result in disciplinary action up to and including separation.

18.D. Drug Use

Employee misuse of legal, non-prescription drugs or abuse of prescribed drugs while on the job, where the taking of same could impair judgment, will require action in compliance with the City’s drug policy contained in Section 2-17 of the Employee Handbook (Appendix A for holders of a commercial driver’s license) to include the following minimum supervisory actions:

• The employee may be transported to a City-authorized doctor to determine the degree of impairment.
  
  o An impaired employee will be transported home for the remainder of the work day.

• When it is determined that an employee was impaired due to misuse of a non-prescribed drug or abuse of a prescribed drug, then the appropriate action will be taken in accordance with City personnel rules and regulations.

The use or possession of illegal drugs while on the job will not be tolerated and may result in immediate termination of employment in accordance with City’s personnel procedures contained in Section 2-17 of the Employee Handbook (Appendix A for holders of a commercial driver’s license).

Any employee with a question about the use of non-prescription or prescription drugs, or any combination of such drugs, and their effect on work capability should discuss this matter with an immediate supervisor. If there is reason for concern, then the pharmacist where the drug or drugs were purchased is always a good source of information.
19. WORKING DURING EXTREME COLD OR HOT WEATHER

The following is a guideline for assessing continuance of non-vital services during extreme weather. This information may not be relevant to all City operations, but it provides good personal information and should be utilized by each employee when appropriate.

19.A. Cold Weather

Wind chill factors were originally developed by the military to determine the effects of combining wind and temperature on exposed skin surfaces. More recently the National Oceanic and Atmospheric Administration (NOAA) published standards based on new research. Wind chill does not cause liquids to freeze when the air temperature is above the freezing point. However, when the air temperature is below freezing, wind chill will speed up the freezing process.

There are situations where no weather condition will force work to be stopped. These situations include Police and Fire departments’ services, snow removal, and emergency responses to situations that arise as a result of severe weather. However, non-essential services of an emergency response department should be considered for curtailment when subject to extreme temperature or wind chill.

Supervisor - recommended procedure for evaluation of particular jobs in cold weather

1. Assess the necessity of the particular task.
2. Assuming task must be done, ensure individuals are properly dressed and protected from the elements.
3. Determine what method the individual will have available to get warm periodically while the task is performed.
4. Consult the wind chill chart and determine the wind chill equivalent.
   a. If in the "10 minute" zone, then special clothing must be used.
   b. If in the "10 minute" zone, then certain tasks may be impossible due to wind or temperature alone.
   c. If in the "5 minute" zone, then only life and health safety tasks should be performed.
5. Non-life safety tasks should have cold weather considerations implemented any time the reported wind chill falls below -18° F.
6. Each department may establish separate conditions for each specific task affected by the wind chill factor.
**WIND CHILL CHART**

[NOAA: 11/01/01]

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<th>WIND SPEED (MPH)</th>
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**WHAT IT EQUALS IN ITS EFFECT ON EXPOSED FLESH**

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When exposed to wind chill factor of:
- Above -16 F: little danger if properly clothed
- -18 to -50 F: cold weather considerations must be implemented
- -50 to -85 F: only emergency services should be performed
- -85 & below: only life and health safety services should be performed

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**19.B. Hot Weather**

- During the extreme temperature of summer days, heat stress illness and injuries are common. However, these types of illness and injuries are easily avoided by following a few basic precautions:
  - Wear comfortable, loose fitting clothes.
  - Wear hats with visors or wide brims.
  - The amount of skin exposed to direct sunlight should be kept to a minimum: wear long sleeves.
  - Have a ready source of cool liquids to drink, such as water and fruit juice.
    - Avoid liquids containing alcohol and caffeine since they worsen the effects of heat exposure.
    - Limit consumption to 8-12 oz per hour.
    - The more they perspire, the more they need to drink.
  - Have a shaded area available for frequent breaks when work is performed in direct sunlight.
  - Reduce activities requiring high levels of physical exertion during periods with high temperatures and high humidity - this combination particularly dangerous (heat index of 105° F or greater).
  - Age and health can be a factor.
    - Heat cramps in an 18-year-old may be heat exhaustion in someone 40 years of age and heat stroke in a person over age 50.
  - Monitor employees and co-workers frequently; many individuals will not realize when they are suffering heat stress.
  - REMEMBER, when feeling the heat -COOL IT!
Heat Exhaustion: Any employee who becomes pale, dizzy, nauseated, weak, or complains of a headache may be suffering from heat exhaustion and will need appropriate attention. If these symptoms last longer than one hour, then medical attention is required.

Heat Stroke: Signs of a heat stroke - high fever, rapid pulse, and red, hot, dry skin. An employee showing these signs needs immediate attention. Cool the skin immediately with large amounts of water, and call 911 for an ambulance. Shade the person from direct sunlight. If the water supply is limited, then use it on arms, shoulders, neck, and forehead. Heat stroke is life threatening. Treatment is not to be delayed.

**Heat Index (Apparent Temperature) Chart**

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With prolonged exposure and/or physical activity the following applies:

<table>
<thead>
<tr>
<th>°F</th>
<th>130°F and above</th>
<th>Extreme Danger</th>
<th>Heat stroke or sunstroke highly likely. Curtail all but emergency operations.</th>
</tr>
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<tbody>
<tr>
<td>105°F to 130°F</td>
<td>Danger</td>
<td>Sunstroke, muscle cramps, and/or heat exhaustion likely.</td>
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<tr>
<td>90°F to 105°F</td>
<td>Extreme Caution</td>
<td>Sunstroke, muscle cramps, and/or heat exhaustion possible.</td>
<td></td>
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<tr>
<td>80°F to 90°F</td>
<td>Caution</td>
<td>Monitor employees closely.</td>
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**IMPORTANT:** Exposure to full sunshine can increase the Heat Index values by up to 15°F. Also, strong winds, particularly with very hot, dry air, can be extremely hazardous.

**20. SERIOUS ACCIDENT, INJURY, AND INCIDENT REPORTING**

**20.A. Serious Accidents**

In the event of a serious or life-threatening accident or injury to a municipal employee, any injury to a citizen by municipal operations, or extensive damage to property related to municipal operations, the Loss Control Coordinator is to be notified by the most expeditious means, especially if any fatalities (employee or other) occur on municipal property. This rapid notification is vital to the proper management of the incident, as well as to allow the necessary procedural steps to be taken. All other bodily injury accidents are to be reported by telephone to the Loss Control Coordinator no later than the end of the duty shift.
20.B. Incident Handling

The Loss Control Coordinator is responsible for proper handling of such incidents so that effective case management can take place, which requires helping individuals involved to remain calm and in control of the situation, making the necessary requests for emergency assistance, and collecting vital information including names and addresses of all witnesses.

20.C. Emergency Assistance

Emergency assistance is obtained by dialing 9-9-1-1 from City facilities and 9-1-1 from external lines and pay phones. The same number applies to Police, Fire, and all other types of emergency assistance. The mobile phone number for the Risk Manager is (816) 225-2078. There should be no hesitation or reluctance about calling the Risk Manager for information or to advise the Risk Manager of an unusual or serious circumstance.

20.D. Reporting

Reporting procedures for injuries other than workers’ compensation and copies of reporting forms can be found on the Intranet. Workers’ compensation injury instructions are contained in Section 21 below.

21. ON-THE-JOB INJURY PROCEDURES

The following reporting and treatment procedures apply to all employees. Whenever questions arise that are not covered herein, they should be referred to the Loss Control Coordinator.

21.A. Procedures

Time of Injury: Employees must report all accidents and injuries to their supervisor or department manager by the most expeditious means. Failure to report an accident/injury/illness to the proper supervisor prior to the end of a shift, duty day, or within 24-hours if the activity is unsupervised and supervisor is not available by radio or telephone (weekends or late night hours) will result in loss of the City’s supplemental pay, and the employee may be subject to disciplinary action. If an injury is life threatening, then do not hesitate to call 911.

21.B. Report by Injured Employee

The injured employee should complete the "Employee Accident Report" immediately after an accident and submit it to his/her immediate supervisor. In the event the injury precludes the employee from completing the form on the day of the accident, then the supervisor will ensure it is completed as soon as the employee is physically able to do so. Any employee who fails or refuses to properly and accurately complete the form may be subject to disciplinary action.

21.C. Report by Injured Employee’s Supervisor

In addition and as a supplement to the "Employee Accident Report," a "Supervisor Accident Report” must also be completed and signed by the injured employee's supervisor and department manager. Completion of the "Supervisor Accident Report” should not be delayed while waiting for completion of the employee's written report.

Provide a copy of the report to the department director for review, signature, and written comment. The supervisor's report should not be delayed while waiting for the department director’s signature either. It is then to be forwarded by the most expeditious means to the Loss Control Coordinator.

The Loss Control Coordinator should have a copy of the “Supervisor Accident Report” within 48 hours or by the end of the first working day after the date of the accident. Written reports for non-treated injuries may be submitted within three working days. The Loss Control Coordinator should be notified immediately by telephone about any employee accident requiring medical treatment.
21.D. Lost Time

If an employee must be off work beyond the day the injury occurred, then the injury is considered a lost-time injury. The lost time for regular employees will be initially recorded on timesheets as injury leave (WI). Employees are only permitted to be on injury leave when a supervisor has verified the work related injury and a medical provider approved by the City has ordered the time off. Lost-time absences of less than one day and for medical treatment are not eligible for state workers’ compensation wages. In those cases, the City may elect to pay the regular wage for those employees when they are unable to adjust their work schedules. Absences for medical treatment that cannot be scheduled during the employee’s non-work hours will be recorded as WS on the employee’s timesheet.

21.E. Medical Treatment

If an injury requires treatment by a doctor, then the supervisor will make arrangements for the employee to go or to be transported directly to the City approved clinic, doctor, or medical facility.

21.F. Prescription Medications

All medications prescribed by the City approved workers’ compensation physician for work-related injuries or illnesses will be filled at no cost to the employee at an approved workers’ compensation pharmacy. The employee will receive a “first fill” prescription card when leaving Olathe Occupational Medicine. This card allows the first prescription to be filled at virtually any pharmacy location in Olathe. Once the claim has been submitted to the Third Party Administrator, the employee will receive another pharmacy card in the mail. This card should be used for future prescriptions related to the work-related injury or illness.

21.G. Follow-up Medical Treatment

1. Individuals who have been hospitalized for job-related injuries must call or report their status to their department and to the Loss Control Coordinator.

2. Follow up medical treatment will be monitored by the Loss Control Coordinator, who may be present and/or confer with the medical provider during or after such follow up treatment sessions.

3. Each appointment related to the work-related injury or illness should be kept, including all doctor scheduled follow-up treatments, unless other arrangements have been made in advance and approved through Risk Management.
   a. If the employee is a no-show or cancels the appointment more than once, then treatment may be stopped.
   b. Individuals who miss follow-up physician appointments may lose their continuing benefits, may be subject to disciplinary action, and also will be considered absent without permission from their jobs, if they have not returned to duty.

4. The employee should return to work as soon as possible after the medical/therapy appointments, unless he/she has been taken off of work duty by the physician.

5. After each appointment, the employee should make contact with his/her supervisor.
   a. If visiting supervisor in person, then give him/her a copy of the return-to-work slip that was issued at the doctor’s office.
   b. If phoning supervisor, then tell him/her what the new work status is.
   c. It is up to the supervisor to determine whether or not work restrictions will be accommodated.
21.H. Progress Reports

Employee progress will be monitored by the Loss Control Coordinator and the claim representative responsible for the City’s self-insured workers’ compensation plan.

- The Loss Control Coordinator will keep the supervisor abreast of the progress of the injured employee. This communication will continue until the employee reaches maximum medical improvement (MMI) and is able to return to regular duty status.

- All City employees are expected to respond to all telephone and written inquiries from the claim representative responsible for the City’s self-insured workers’ compensation plan.

21.I. Changing Doctors or Second Opinions

Employees may seek treatment regarding their conditions from another doctor. However, neither the City’s self-insured workers’ compensation plan nor its self-insured health plan will be responsible for medical treatment costs above a specified statutory amount ($500), unless the new treating doctor is approved in advance. No medical consultation or treatment will be paid without submission of a complete medical report from the doctor to the workers’ compensation claims manager. If the employee wishes to use the $500 in unauthorized medical expenses, then he/she must get prior approval from the Loss Control Coordinator or the claims adjuster handling the claim.

21.J. Medical Reports, Invoices, and Bills

All reports, invoices, and billing documents received that relate to the injury must be submitted to the Loss Control Coordinator. Do not assume that reports or bills received at residence, place of work, or office are copies and that the originals have already been sent for payment to the Loss Control Coordinator or the workers’ compensation claims manager.

21.K. Limited Duty

Limited duty is a temporary work category that may be available to an employee who has temporary functional limitations. Its purpose is to allow an employee to return to work at the earliest possible time during recovery from a work-related injury or illness. Temporary functional limitations must be determined and assigned by an approved workers’ compensation doctor. If no productive, limited duty is available, then the employee must remain off the job until released by the City’s doctor or until the doctor adjusts the work restrictions to a level that the department can accommodate.

21.L. Return to Work

Without a written doctor's release, no employee may return to work from an injury or illness involving surgery, hospitalization, or lost time resulting from broken bones, loss of consciousness, seizures, or any outpatient surgical procedures.

21.M. Absence from Residential City

An employee must first report to Risk Management before leaving the city of his/her residence for a period exceeding one calendar day while on job-related injury leave.

21.N. Release of Medical Information

Employees may be requested to sign a release of their medical information. This information is vital to the continuation and/or payment of benefits to which the employee may be entitled. Kansas law specifies that the employer is entitled to medical and other information concerning job-related injuries and illnesses.
21.O. Eye Injuries

Due to the sensitive nature of eye injuries, employees with serious eye injuries that could involve loss of sight should be transported directly to a hospital emergency room; in non-emergency cases during normal working hours, an immediate appointment with an ophthalmologist may be authorized.

21.P. Permanent Files

The Loss Control Coordinator is responsible for notifying and forwarding any documentation to the Third Party Administrator and the Human Resources Department.

22. TRAINING

22.A. Department Responsibilities

Each department has the responsibility of providing initial and annual on-the-job training to each employee on the topics that will enable the employee to do his/her job safely and efficiently. The recommended training includes, but is not limited to:

- Orientation to general municipal, department, and division work safety and health rules.
- Chemical handling, "Material Safety Data Sheets," and the "Employee Right to Know" standards.
- “Bloodborne Pathogens Exposure Control Plan.”
- Procedures for reporting on-the-job accidents and injuries.
- Procedures for processing hospital/medical bills related to job-related injuries.
- Workers’ compensation claims process.
- Requirements for use and care of vehicles, tools, and equipment.
- Requirements for selection, use, and care of personal protective equipment.
- Reporting of unsafe conditions.

Departments shall document each training performed, including, but not limited to, the date and content of the training and a list of attendees.

22.B. Specialized

In addition, specialized training should be offered in the use of power tools and equipment in order to maximize the capabilities of the equipment, prolong the equipment's usable life, and prevent accidents - all of which will increase the work environment safety of the employee.

22.C. Employee Responsibility

All employees are expected to request information, orientation, and/or training for all new or unfamiliar tasks or equipment from their supervisor or department.

23. FITNESS FOR DUTY

23.A Policy Statement

The City of Olathe is committed to maintaining a safe and productive workplace, and therefore requires that every employee report to work fit to perform his or her job. For the purpose of this policy, “fitness for duty” refers to the readiness of an employee to perform the essential function of his or her job. This policy also addresses the circumstances under which the City may require a fitness for duty examination and the applicable process pertaining to such examinations. This policy does not limit the City’s right to take employment action, and application of this policy is not a substitute for discipline. In circumstances where an employee has engaged in misconduct or failed to
perform his or her duties, the City may impose disciplinary action, up to and including termination, notwithstanding a referral for fitness for duty examination.

The City of Olathe is committed to equal employment opportunity and it prohibits discrimination against qualified individuals with disabilities. This policy is to be construed consistent with that commitment and in compliance with applicable law, including the Americans with Disabilities Act.

23.B. Employee Responsibilities

All employees are required to report to work fit for duty and to be able to perform their job duties in a safe, appropriate and effective manner.

The City encourages employees to voluntarily seek assistance for emotional, personal, physical or mental health problems or conditions, including controlled substance, drug and alcohol abuse or addictions before their work performance is adversely affected. The City offers an Employee Assistance Program, as described in Section 2-18 of the City of Olathe Employee Handbook.

23.C. Fitness for Duty Examinations

A fitness for duty examination constitutes a medical examination paid for by the City and with a health care provider chosen by Human Resources. Therefore, in full compliance with the Americans with Disabilities Act and City of Olathe policy, any such examination is strictly limited to job-related inquiries and must be consistent with business necessity. Any such inquiry must be made with reference to the actual job duties of the individual who is to be examined.

If the condition identified constitutes a disability, employees shall follow the guidelines set forth in Section 2-4.C, ADA Compliance.

23.D Grounds for Seeking a Fitness for Duty Examination

The City of Olathe may evaluate any employee’s medical fitness for duty as a result of any required post-offer, pre-employment screening or as required after a leave of absence. Employees returning from leave under the Family Medical Leave Act (FMLA) or other medical leave of absence may be required to complete a fitness for duty evaluation.

Additionally, a supervisor or manager may request Human Resources make a request to evaluate an existing employee’s fitness for duty when there is a reasonable belief that:

- An employee’s conduct creates a reasonable belief that a threat to the health or safety of the employee or others exists; or
- There is objective evidence that the employee cannot perform his or her essential job functions.

The grounds for seeking a fitness for duty evaluation may become evident from a manager’s observations and/or receipt of a reliable report of an employee’s possible lack of fitness for duty. Observations or employee self-report may include, but are not limited to: difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, outbursts, hostility, violent behavior, suicidal or threatening statements, change in personal hygiene, and/or reasonable suspicion of drug or alcohol abuse (See Section 2-18.C of the City of Olathe Employee Handbook).

23.E. Medical Evaluation
Fitness for duty examinations may include, without limitation, a health history, physical and/or psychological examination, alcohol and drug testing and any medically indicated diagnostic studies. The purpose of the evaluation is to determine if the employee can perform the essential functions of his or her position in a safe manner and if there is a need for accommodation or restrictions.

23.F. Confidentiality

Personal health information that the City of Olathe obtains in the course of the fitness for duty examination process shall be confidential, in accordance with applicable law. See Section 8-12.A of the Employee Handbook, regarding Confidentiality.

24. APPENDICES

24.A. Department Supplements

Each department should supplement the employee safety program by issuing an appendix to this document that contains the safety rules necessary for specific work environments or equipment unique to a department, division, or work site. Supplemental department policies may not eliminate nor reduce the standards contained in this document. A copy of department supplemental safety rules will be provided to each employee in the department and to the Loss Control Coordinator. When it is necessary for a department to issue unique safety rules for different divisions, the appendices will be titled accordingly. For example:

- Municipal Services Department, Employee Safety Program, APPENDIX A: All Divisions
- Municipal Services Department, Employee Safety Program, APPENDIX B: Line Maintenance


The Risk Management Manual contains expanded details for some procedures contained in the Employee Safety Program. Two such examples are Bloodborne Pathogens and Chemical Safety. Each department manager should maintain an up-to-date copy of the Risk Management Manual.
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**I WILL:**

⇒ Always ask the proper methods before performing any new task.
⇒ Wear appropriate clothing and foot wear, as required by my job.
⇒ Wear all personal protective equipment required by my job.
⇒ Use guards on machinery whenever required.
⇒ Lift properly, using my legs and not my back.
⇒ Never attempt to repair defective electrical equipment or wiring, unless it is a function of my position.
⇒ Immediately report to my supervisor any defective equipment and electrical wiring.
⇒ Always keep the work site organized, and never litter.
⇒ Never consume or be under the influence of drugs or alcohol while on duty or while on the premises. ☑ Never take part in horseplay.
⇒ Report unsafe practices or conditions to my supervisor.
⇒ Never perform any unsafe practice that will place myself or others in danger.
⇒ Immediately report to my supervisor any job-related accident regardless of injury or illness.
⇒ Always operate a motor vehicle during my duty-day or shift in a safe and legal manner.
⇒ Know, use, and obey the City’s safety rules and procedures, as well as ones specific to my department and position.

Any infraction of the above rules may result in disciplinary action. Such action may take the form of verbal or written warnings, suspension with or without pay, or separation, depending on my prior record, warning(s), and/or the seriousness of the infraction.

**EMPLOYEE’S STATEMENT**

☐ I have read the above rules, understand them, and will apply them while employed by the City of Olathe.

☐ I hereby acknowledge that I have received the City of Olathe Employee Safety Program, Appendix F of the Employee Handbook

| Employee______________________________ | Date ___________________________ |
|----------------------------------------|

Signature ___________________________

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