

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 252-15

Department Source: Human Resources

To: City Council

From: City Manager & Staff

Council Meeting Date: 9/8/2015

Re: Amend Chapter 19, Personnel Policies, to revise specific policy, pay, benefit and allowance provisions.

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: None

Executive Summary

The proposed ordinance amends Chapter 19, Personnel Policies. Proposed changes are a result of discussions during the meet and confer process with recognized labor groups, and best practice and compliance reviews, particularly regarding the requirements and administration of the Affordable Care Act (ACA).

All changes proposed with a fiscal impact are reflected in the FY 2016 budget.

Discussion

Proposed changes include:

19-4 Definitions: adds positions in the Finance Department and the Law Department to the unclassified service.

19-25 Employee relations: adds language to meet and confer provisions. City representatives will request to meet and confer with employee group representatives when Chapter 19 changes are proposed outside the normal meet and confer time frame.

19-97 Standby/on-call provisions: Clarifies stand-by pay is intended for permanent employees, to assist with ACA compliance.

19-99 Temporary assignment pay and educational incentives: Adds temporary assignment pay authorization for employees serving as state certified examiners for CDL driver testing in the City's third party testing program. Examiners receive a 2.5% increase to base. Examiner coordinator receives a 5% increase to base.

19-106 Cost reimbursement : Amends tuition reimbursement language to reflect the centralization of the tuition reimbursement program in City University in FY 2016.

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19-107 Uniform clothing allowance and personal protective equipment: Changes the date of payment for quarterly allowances for police plain clothes, jeans, winter outerwear, safety boots and safety glasses from the first pay check of the quarter to the second pay check of the quarter. This eliminates a manual process in payroll. Also increases the safety boot allowance from \$75 per year to \$150 per year.

19-110 General benefits: Eliminates pay advances for memberships to non-city fitness facilities. Payroll deduction will be available for City recreation facility annual memberships/season passes.

19-129 Vacation leave: Corrects heading in the 56 hour employee chart. Limits vacation payout in the Fire Department to classified fire service employees.

19-156 Employment positions: Aligns position definitions with ACA position classifications to eliminate confusion between the federal law and City ordinance.

19-157 Employee placements: Aligns position definitions with ACA position classifications to eliminate confusion between the federal law and City ordinance.

19-167 Temporary appointments: Aligns position definitions with ACA position classifications to eliminate confusion between the federal law and City ordinance.

19-168 General examination provisions: Aligns position definitions with ACA position classifications to eliminate confusion between the federal law and City ordinance.

19-239 Appeals to personnel advisory board: Eliminates the employee option of request an open hearing for appeals before the City's Personnel Advisory Board. All appeals hearings will be closed.

Fiscal Impact

Short-Term Impact: The FY 2016 budget includes funding for the proposed changes to temporary assignment pay and the safety boot allowance.

Long-Term Impact: Unknown.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Governance and Decision Making

Strategic Plan Impact: Workforce

Comprehensive Plan Impact: Not Applicable

Suggested Council Action

Adopt the ordinance.

City of Columbia

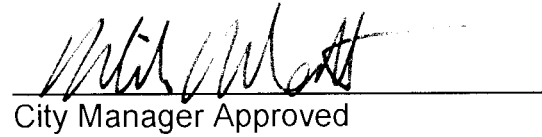
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Legislative History

Chapter 19 provisions are reviewed annually as part of the budget preparation cycle and the meet and confer process.


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 252-15

AN ORDINANCE

amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 19 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 19-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated in this section:

. . .

Unclassified service. The following offices and positions are in the unclassified service: All department heads; all assistant department heads; deputy city manager; assistant city manager; assistant to city manager; deputy city counselor; prosecutor; assistant city counselor; internal auditor; sustainability manager; civic relations officer; deputy fire chief; assistant fire chief; deputy police chief; assistant police chief; financial project officer; deputy city clerk; city management fellowship; trust specialist; controller; treasurer; budget officer; purchasing agent; risk manager; accounting supervisor; budget supervisor.

. . .

Sec. 19-25. Employee relations.

(a) The city manager shall have the authority to recommend to the city council (following certified elections or other assurances of interest deemed appropriate by the city manager and not inconsistent with state legislation) recognition of appropriate representative units of employees with a mutually acceptable community of interest for the

purpose of meeting, conferring and discussing salaries and other conditions of employment which are mutually agreed upon as proper subjects for such discussions.

(b) The city manager shall designate representatives of the city to meet and confer with employee group representatives. City management representatives shall request to meet and confer with employee group representatives on proposed ordinance modifications to chapter 19 for the purpose of discussing proposals before a public vote of the city council.

...

Sec. 19-97. Standby/on-call provisions.

(a) A department head or duly authorized supervisor shall prepare a roster of permanent employees assigned to standby duty. Employees shall receive, insofar as possible, a month's notice, and assignments shall be posted on accessible bulletin boards. Emergency employees such as police and fire may be excluded from this provision pursuant to departmental rules and regulations.

...

(d) Standby duty normally shall be one (1) week in duration, rotated among qualified employees. An employee shall be removed from standby duty if deemed incapable due to illness, or other sanctioned, cleared emergency as determined by the duly authorized supervisor; and remunerated on a daily basis. ~~An~~ A permanent employee must have been in pay status during the normal working day in order to be eligible for the daily thirteen dollars (\$13.00) standby remuneration, except on weekends or normally scheduled days off. If an employee requests sick leave during a part or whole day standby duty is assigned, it shall be up to the supervisor to determine whether or not the employee should be allowed to remain on standby, taking into account all circumstances pertinent to the matter.

...

(f) ~~An~~ A permanent employee on standby shall receive standby compensation of thirteen dollars (\$13.00) per day except that an employee on standby during the permanent employee's scheduled day off shall receive standby compensation of sixteen dollars (\$16.00) per day. ~~An~~ A permanent employee on standby during a recognized city holiday shall receive an additional thirteen dollars (\$13.00) for being on standby on such a day.

...

Sec. 19-99. Temporary assignment pay and educational incentives.

(a) *Temporary assignment pay.* Employees in the following temporary assignments are eligible for assignment pay or reimbursement as follows:

...

- (2) Police mounted patrol cost reimbursement. Reimbursement under this section shall not exceed one thousand sixty-five dollars (\$1,065.00) in any fiscal year for any officer or for any horse. Subject to these restrictions, the city shall reimburse members of the police department mounted patrol for the following maintenance costs for horses serving in the patrol: hay, grain, farrier services, veterinarian services and grooming.
- (3) Commercial Drivers License (CDL) examiners. Certified CDL examiners shall be paid two and one-half percent (2.5%) above the employee's present base rate while serving as an examiner for the city. Any certified CDL examiner designated to serve as examiner coordinator of the city's third party examiner program shall be paid an additional two and one-half percent (2.5%) while serving as the examiner coordinator. These assignments may be ended at any time.

...

Sec. 19-106. Cost reimbursement.

(a) Employees required to attend special training-development on city time by the department head shall be reimbursed in full for course and travel costs. Basic training, enabling the employee to meet the primary responsibility level of a position may be required at any time in the course of the employee's service. Employees may, if their performance is less than acceptable for their classification, be required by their department head to complete relevant training on their own time and at their own expense in order to maintain further employment in their present capacity.

(b) Reimbursement for cost of eligible formal college credit course work taken on the employee's own time shall be ~~(except for police operations which have special provisions):~~

- (1) Limited to tuition expenses only, and not books, transportation, meals, lodging, activity, or any special fees;
- (2) Limited in participation to ~~individual departmental~~ annual budgetary allotments for this purpose;
- (3) Limited to a maximum of one thousand two hundred dollars (\$1,200.00), or the cost of the course(s), whichever is less, per individual, per fiscal year;
- (4) Limited to those courses passed with a grade of "C" or better, or "passed" if on an ungraded basis;

- (5) Approved for full or part payment by the ~~department head and~~ director prior to enrollment in the course, with reimbursement by the city being made subsequent to presentation of official documentation of successful completion and receipt of cost for the course.

~~(c) Reimbursement for approved college credit correspondence school course work shall be subject to the provisions in subsection (b) above except that tuition costs may be reimbursed up to a maximum of seventy-five (75) percent of the total cost of the course, within department budgetary limitations.~~

~~(d-c) Reimbursement for formal class work or for correspondence training may be allowed in full (within aforementioned limits) dependent upon the relevance of the training to city operations and specifically, the employee's position and assigned duties as recommended by the department head and director.~~ Employees shall be required to sign an agreement to reimburse the city for tuition costs if the employee leaves permanent city employment within twenty-four (24) months following completion of reimbursed coursework.

- (e-d) Costs incurred by the city shall be deducted from an employee's check if:

...

(f-e) After October 1, 1978, employees receiving aid for educational/training endeavors from military programs, scholarships, or any other similar assistance shall not be eligible for tuition reimbursement from the city to the extent aid is received from military programs, scholarships, or similar assistance for such time as other aid is being received.

Sec. 19-107. Uniform clothing allowance and personal protective equipment.

(a) Employees required to wear uniform clothing, specifically those individuals readily visible to the general public, will be provided with such clothing allocations as deemed appropriate by the department head. If allocations are provided, the employee shall be required to wear the uniform clothing, to maintain the garments in a clean and maintained fashion, and to return the full allocation of garments upon separation from city service (or be docked the fair value of missing articles from the final paycheck). The city shall replace uniform clothing damaged through natural wear on the job, but not due to negligence by the employee. The employee shall wear uniform clothing only en route to and from work and while on duty, and police and fire personnel shall be subject to specific departmental policies concerning clothing allotments and/or allowances. Uniformed police officers will have uniforms dry cleaned at city expense within limits of the annual department budget allocation for such purpose. Upon the expiration of available funds, the individual employee will be responsible for dry cleaning of the uniforms. Rules and procedures for dry cleaning of uniforms by the city may be established by the police chief, and when established must be followed by the employee. Classified commissioned police assigned to plain clothes operations, as specified and defined by the police chief, shall be eligible to receive additional compensation of nine hundred sixteen dollars (\$916.00) per

fiscal year to purchase the required clothes. The compensation shall be paid on the ~~first~~ second payroll check of each quarter in the amount of two hundred twenty-nine dollars (\$229.00). To be eligible to receive a quarterly compensation payment, the employee must be employed on the first day of the quarter. If the employee is employed by the city after the first day of the quarter, the employee will receive the compensation beginning with the subsequent quarter.

(b) An employee required to wear standard dark blue denim jeans on the job shall be eligible to receive additional compensation in the amount of three hundred thirty-six dollars (\$336.00) per fiscal year for the purchase of jeans. The compensation will be paid on the ~~first~~ second payroll check of each quarter in the amount of eighty-four dollars (\$84.00). To be eligible to receive a quarterly jean compensation payment, the employee must be employed on the first day of the quarter. If the employee is employed by the city after the first day of the quarter, the employee will receive the compensation beginning with the subsequent quarter.

(c) Employees represented by Laborers' International Union of North America, Local 773 whose job duties require them to work outdoors or in unheated areas in the winter shall be eligible to receive additional compensation for the cost of winter outerwear of fifty dollars (\$50.00) per fiscal year. The compensation shall be paid on the ~~first~~ second payroll check of each quarter in the amount of twelve dollars and fifty cents (\$12.50). To be eligible to receive a quarterly winter outerwear compensation payment, the employee must be employed on the first day of the quarter. If the employee is employed by the city after the first day of the quarter, the employee will receive the compensation beginning with the subsequent quarter.

(d) Personal protective gear. Department heads may, at their discretion, require that employees wear safety boots and glasses which meet departmental safety standards (as defined by the department head and coordinated with the director). When additional protective footwear is required, employees shall be eligible to receive additional compensation of one hundred fifty dollars (\$150.00) ~~seventy-five dollars (\$75.00)~~ per fiscal year. Department heads may likewise establish policies concerning needed eye protection. When additional protective eye protection is required, employees shall be eligible to receive additional compensation of up to a maximum of fifty dollars (\$50.00) per fiscal year. The compensation shall be paid on the ~~first~~ second payroll check of each quarter in the amount of thirty-seven dollars and fifty cents (\$37.50) ~~eighteen dollars and seventy-five cents (\$18.75)~~ for footwear and twelve dollars and fifty cents (\$12.50) for eye protection. To be eligible to receive either personal protective gear compensation payment, the employee must be employed on the first day of the quarter. If the employee is employed by the city after the first day of the quarter, the employee will receive the compensation beginning with the subsequent quarter.

...

Sec. 19-110. General benefits.

(a) Employee health care plan. The city shall pay into the employee benefit fund three hundred ninety-four dollars and sixty cents (\$394.60) per month for the cost of medical employee health care plan coverage, and thirty-three dollars and twelve cents (\$33.12) per month for the cost of employee dental plan coverage, for each eligible permanent employee and each eligible employee otherwise required to be covered by the city who participates in the plan. The city shall pay a portion of dependent care coverage for those eligible permanent employees who elect to purchase dependent health plan coverage under the city plan, subject to the following maximum amounts:

...

~~(g) Health club membership salary advances. Any employee who has been a permanent employee for at least six (6) months may participate in a program for a salary advance for the purpose of paying individual or family health club membership fees. Employees shall, if interested, participate in such program via payroll deduction on each pay check prorated over a twelve-month period, and be subject to the restrictions provided by the director on the election form. The outstanding balance of any advance shall be deducted from the last paycheck of any participating employee who leaves city employment. This program shall be monitored by the human resources department.~~

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Sec. 19-129. Vacation leave.

(a) Vacation shall be earned and accumulated by pay periods and granted on the last day of each pay period in hourly amounts accrued according to the following charts:

...

Fire Department 56-Hour Employees		
Length of Service (Years)	Annual Pay Period Accrual (hours)	Maximum Balance (hours)
0—4	5.54	288
5—9	5.54 plus 28 hours pay	288
10—14	5.54 plus 56 hours pay	288
15—19	5.54 plus 84 hours pay	288
20+	5.54 plus 112 hours pay	288

(b) Unless approved by the department head or duly authorized representative, members of the fire department will not take more than two (2) working weeks or any additional time allotted to vacation. Instead, they will be paid in cash in lieu of such leave

(this provision does not apply to ~~the fire chief~~ unclassified positions or civilian employees in the fire department).

. . .

Sec. 19-156. Employment positions.

(a) A permanent employee position is one created and intended to exist for at least one budget year and which is budgeted for at least one thousand forty (1,040) hours. A permanent employee position may be either part-time or full-time.

(b) A temporary employee position is one created and intended to exist for less than one thousand four hundred fifty (1,450) hours in any calendar year. Temporary employees have no seniority, grievance, or appeal privileges. Temporary employees shall have no benefits except as required by law, provided, however, that temporary employees may qualify for LAGERS retirement under the rules of the LAGERS retirement system. A temporary employee position may be either full or part-time.

~~(c) A seasonal employee position is one that is created for less than one budget year and is intended to accomplish work that is required on a seasonal basis. A seasonal position may be budgeted for more than one thousand (1,000) hours in the budget year. A seasonal employee position may be either full or part-time.~~

Sec. 19-157. Employee placements.

(a) The city manager, the municipal judge, the city clerk and all classified and unclassified employees hired into permanent employee positions are entitled to all city employment benefits; however, those hired into part-time permanent positions shall be eligible for fringe benefits according to groups established by the director.

(b) Employees hired into temporary positions, whether full or part-time, are not eligible for fringe benefits except as required by law and LAGERS retirement benefits as provided for in this chapter. If a temporary employee is appointed to a permanent position, a probationary period and fringe benefits will be computed from the effective date of initial appointment to the permanent position.

~~(c) Employees hired into seasonal positions are not eligible for fringe benefits.~~

~~(d-c)~~ The city manager may fill any employee position vacated by military leave or as a result of the induction or enlistment of a city employee into the Armed Forces of the United States by special appointment. Such special appointment shall only be effective for the duration of the absent employee's military service and shall be subject to all terms of the City Personnel Policies, Rules and Regulations. Special appointments will terminate and expire when the absent employee is released from military service and returns to city employment as required by city ordinance. Those persons with special appointments shall have no further rights to any city employment. While employed in a special appointment

the employee shall have those benefits which are attendant to the position the employee fills.

(~~e~~-d) When sufficient appropriated funds are available, the city manager may hire or promote an employee to a position currently occupied by another for the purpose of training the newly hired or promoted employee; provided that no position shall be so overfilled for more than six (6) months.

(~~f~~-e) When sufficient appropriated funds are available, the city manager may hire or promote an employee to a position currently occupied by an employee on extended leave because of illness or injury.

(~~g~~-f) All city employees requiring a Commercial Driver's License (CDL), except city transit employees, to perform the duties of their position shall be subject to the rules of the Federal Highway Administration governing drug and alcohol testing (49 CFR 382). City transit employees employed to operate a revenue service vehicle, control the dispatch or movement of a revenue service vehicle, or maintain a revenue service vehicle shall be subject to the rules of the Federal Transit Administration governing drug and alcohol testing (49 CFR 655).

(~~h~~-g) All permanent employees (as well as temporary employees requiring a Commercial Driver's License to perform the duties of their position) must pass the appropriate pre-employment testing for drugs and alcohol established by administrative rules promulgated by the city manager.

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Sec. 19-167. Temporary appointments.

(a) If a position in the classified service is to be filled for a limited time only, appointments may be made from the list of eligible individuals interested in full-time work, except that their temporary ~~or seasonal~~ appointment shall not affect their eligibility for full-time positions.

(b) Former temporary employees may be rehired without certification by the human resources department provided the human resources department is notified accordingly. All temporary ~~and seasonal~~ appointments shall be coordinated through the human resources department.

Sec. 19-168. General examination provisions.

(a) The director may refuse to examine an applicant or, after examination, may disqualify such applicant and remove the name from the eligibility list if:

. . .

(f) All part-time, and temporary, ~~and/or seasonal~~ appointments shall at least meet established minimum qualifications for their respective positions.

. . .

Sec. 19-239. Appeals to personnel advisory board.

Eligible city employees shall have the privilege of appealing grievance determinations involving suspensions without pay, dismissals or disciplinary demotions against them to the personnel advisory board provided the grievance procedure has been utilized by the employee.

Note: Organized employee groups may, through negotiations with the city, arrange to appeal all unresolved grievable issues to the personnel advisory board.

Personnel advisory board appeal procedures are as follows:

- (1) The employee or department head within five (5) working days of receipt of the director's response may file a written request with the human resources department for a hearing before the personnel advisory board. Such request shall set forth in substance the employee's grievance and reasons for appeal of action taken thereon. Such hearing shall be scheduled as soon as possible and shall be conducted by procedures and rules established by the personnel advisory board. ~~The hearing shall be closed. The employee(s) filing the grievance shall have the option of having the hearing open or closed, and shall indicate an open or closed meeting upon filing a request for a hearing. If the employee changes his/her mind concerning opening or closing a hearing, such a request shall be made to the board which will make a determination in the matter.~~ The employee shall have the right to be heard and to present evidence. Testimony shall be given under oath and a record made of the hearing.

. . .

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor