

Chapter 122

PERSONNEL

ARTICLE I General Provisions

Section 122.005. Employment Categories.

- A. The officers and employees of the City shall be designated as one (1) of the following for personnel purposes:
1. *Probationary employee.* Any appointed officer or employee that has not yet completed a ninety (90) day probationary period.
 2. *Full-time employee.* Any elected/appointed officer or employee who works thirty-five (35) to forty (40) hours per week throughout the calendar year.
 3. *Part-time employee.* Any elected/appointed officer or employee who works up to thirty-five (35) hours per week throughout the calendar year.
 4. *Seasonal full-time employee.* Any employee who works thirty-five (35) to forty (40) hours per week only during certain times of the year.
 5. *Seasonal part-time employee.* Any employee who works up to thirty-five (35) hours per week only during certain times of the year.
 6. *LAGERS eligibility.* For purposes of the City of Puxico's pension plan (LAGERS) only a full-time employee is one who is regularly scheduled to work at least one thousand five hundred (1,500) hours per year.

Section 122.010. Officers and Employees.

- A. The officers and employees of the City shall be as follows:
1. Officers elected by the people.
 - a. Mayor
 - b. Aldermen — Two (2) from each ward
 - c. Collector
 - d. Marshal
 - e. Municipal Judge
 2. Officers elected by the Board of Aldermen.

- a. City Clerk
3. Officers appointed by the Mayor and approved by the Board of Aldermen.
 - a. City Treasurer
 - b. City Attorney
 - c. City Accountant
 - d. Reserve Police Officers
 - e. Fire Chief
 - f. Assistant Fire Chief
 - g. Volunteer Firefighters
 - h. Municipal Court Clerk
4. Employees hired by the Board of Aldermen.
 - a. Maintenance Supervisor
 - b. Maintenance Worker
 - c. Librarian
 - d. Police Officer
 - e. Seasonal Maintenance Worker
 - f. Custodian
 - g. Substitute Librarian
 - h. Such other employees as may be hired from time to time

Section 122.015. Probationary Period. [R.O. 2011 §122.010; CC 1979 §23.010; Ord. No. 10-07, 10-21-2010]

Each employee, including, but not limited to, members of the Police Department, receiving an appointment or a promotion to a position in the service of the City must serve a probationary period of ninety (90) days before his/her appointment or promotion shall be considered full-time or part-time. During the employee's ninety (90) day probationary period, the employee's work habits, abilities, attitudes, promptness, and other pertinent characteristics will be observed and evaluated by his/her supervisor, department head, Mayor, or other appropriate City Officials. If the probationary employee fails to meet the required standards of performance, he/she is to be dismissed, or if he/she is a promoted full-time or part-time employee, he/she may be restored to the position from which he/she was being promoted or to a comparable position. During the probationary period, the employee is not eligible for employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will not be paid to the probationary employees.

Section 122.020. Probationary Period — Discharge. [R.O. 2011 §122.020; CC 1979 §23.020; Ord. No. 10-07, 10-21-2010]

If at any time during the probationary period the Mayor with approval of three (3) members of the Board of Aldermen determines that the services of a City employee have been unsatisfactory, the employee may be separated from his/her position without the right of appeal or a hearing.

Section 122.030. Probationary Period — Extension. [R.O. 2011 §122.030; CC 1979 §23.030; Ord. No. 10-07, 10-21-2010]

At the end of an employee's probationary period, if there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of his/her probation period, the Mayor with approval of at least three (3) members of the Board of Aldermen may grant an extension not to exceed two (2) months.

Section 122.040. Probationary Period — Termination of Probationary Period. [R.O. 2011 §122.040; CC 1979 §23.040; Ord. No. 10-07, 10-21-2010]

- A. At the end of an employee's probationary period or extension granted under the authority of Section 122.030, the supervisor of the employee shall complete a probationary report and notify the Mayor in writing that either:
1. The employee has satisfactorily completed his/her probationary period and is capable of performing the duties of the position satisfactorily and is henceforth to be considered a regular employee with all rights and privileges due him/her; or
 2. The employee has not demonstrated abilities to perform satisfactorily the duties of the position.

Section 122.050. Appointment and Promotion. [R.O. 2011 §122.050; CC 1979 §23.050; Ord. No. 10-07, 10-21-2010]

- A. Employments, appointments and promotions to all City positions shall be solely on the basis of merit, which shall be determined by evaluation of the applicant's:
1. Training, education, experience and physical fitness,
 2. Oral interview, and
 3. Whenever practical, an examination or demonstration test.

Section 122.060. Outside Employment. [R.O. 2011 §122.060; CC 1979 §23.130; Ord. No. 10-07, 10-21-2010]

No full-time department head shall accept outside employment, whether part-time, temporary, or permanent, without prior written approval from the Mayor with the approval of at least three (3) members of the Board of Aldermen. Each change in outside employment shall require separate approval. Such approval, however, shall not be arbitrarily withheld. Other employees may accept outside employment outside of City hours. Such employment shall not interfere with the efficiency of City employees as judged by the Mayor, and shall not involve the use of City equipment or materials. Employees may not engage in any private business or activity or private

work estimates while on duty. No employee shall engage in, or accept, private employment or render any service for private interest when such employment or service is incompatible or creates a conflict with his/her official duties.

Section 122.070. Conduct, Work Habits, Attitude. [R.O. 2011 §122.070; CC 1979 §23.140; Ord. No. 10-07, 10-21-2010]

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in his/her work for the City. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

Section 122.080. Discipline Policy. [R.O. 2011 §122.080; CC 1979 §23.150; Ord. No. 10-07, 10-21-2010]

A. It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

1. *Employee's and supervisor's responsibilities.*

- a. It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention and to make every effort to avoid conflict with the City's rules and regulations.
- b. It is the duty of the employee's supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being:
 - (1) Warning,
 - (2) Demotion,
 - (3) Suspension, and
 - (4) Removal.

2. *Grounds for action.* The following are declared to be grounds for demotion, suspension, or removal of any permanent employee:

- a. Conviction of a felony or other crime involving moral turpitude.
- b. Acts of incompetency.
- c. Absence without leave.
- d. Acts of insubordination.

- e. Intentional failure or refusal to carry out instructions.
 - f. Misappropriation, destruction, theft, or conversion of City property.
 - g. Refusal or neglect to pay just debts. Maintenance of effort to pay debts must be shown to clear employee of neglect charges.
 - h. Employee subsequently becomes physically or mentally unfit for the performance of his/her duties.
 - i. Acts of misconduct while on duty.
 - j. Willful disregard of orders.
 - k. Habitual tardiness and/or absenteeism.
 - l. Falsification of any information required by the City.
 - m. Failure to properly report accidents or personal injury.
 - n. Neglect or carelessness resulting in damage to City property or equipment.
 - o. Repeated convictions during employment on ordinance violations, misdemeanor and/or traffic charges.
 - p. Introduction, possession, or use on City property or in City equipment of intoxicating substances, or proceeding to or from work, or performing work for the City, under the influence of an intoxicating substance.
3. *Employee notice.* A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such disciplinary action is taken and in any event not later than three (3) working days from date of the action. A copy of notice signed by the employee in the employee's file shall serve as prima facie evidence of delivery.
4. *Permanent employees.* All permanent employees holding positions in the service of the City may be suspended for a period of not more than thirty (30) working days, reduced in pay or class, or removed for just and reasonable cause by the Mayor with the approval of at least three (3) members of the Board of Aldermen. Permanent employees shall be dismissed only after having been given written notice of the contemplated action.
5. *Evidence.* Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as soon as it is apparent. Based on this philosophy, sufficient evidence should be available in the employee's personnel file to justify the action taken.
6. *Right of appeal.* All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Mayor. The disciplinary action against the employee shall be stayed during the course of this appeal, unless the Mayor orders its imposition in writing giving his/her reasons therefor.

7. *Investigation.* The Mayor shall hear appeals submitted by any permanent employee in the City relative to any suspension, demotion, or dismissal and shall submit a written statement of facts, findings, and recommendations to the Board of Aldermen, whose actions shall be final and conclusive.
8. *Appeal hearing open to public.* The appeal hearing shall be open to the public at the discretion of the Mayor, subject to all requirements of law.
9. *Informal nature.* The hearing shall be conducted in an informal nature and the Mayor shall make every effort to avoid the appearance of conducting a trial in a court of law.
10. *Scheduling of appeal.* No later than ten (10) working days after receipt of the written appeal, the Mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing, the Mayor shall report his/her findings and recommendations to the Board of Aldermen.
11. If the Mayor shall have ordered that disciplinary action against an employee shall not be stayed during an appeal, then the Mayor shall appoint a member of the Board of Aldermen to hear the appeal. In such case the provisions of Subsection (11) above shall not apply, and the hearing shall be scheduled within forty-eight (48) hours of the Mayor's order imposing immediate disciplinary action. Should the hearing officer recommend to the Board of Aldermen that the disciplinary action not be imposed, and should this recommendation be accepted by the Board of Aldermen, then the City shall pay said employee the same as had he/she been employed in the service of the City during the time in which the Mayor's discipline order was in effect.
12. *Right to representation.* The appellant shall have the right to appear and be heard in person or by counsel.

Section 122.090. Grievance Policy. [R.O. 2011 §122.090; CC 1979 §23.160]

- A. The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the City to adjust the cause of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.
 1. All grievance procedures will remain confidential as long as not in conflict with Missouri Sunshine Law.
 2. If grievance problem cannot be resolved informally, then the grievances shall be submitted in writing to the City Clerk who shall forward a copy thereof to the Mayor and Board of Aldermen for action.
 3. The Mayor shall convene a hearing within ten (10) working days of receiving the complaint to consider the grievance. The employee, the supervisor, the department head and any other interested party shall have the right to be heard. All City employees shall be considered in the service of the City during the course of the grievance hearing, and each employee shall be paid at his/her regularly hourly rate for that time spent in the hearing.
 4. Following the hearing, the Mayor shall within ten (10) working days of receiving the

- complaint take whatever action is necessary including, but not limited to, a recommendation to change the personnel rules and regulations or the work practices of the City, a finding that the grievance is unjustified, or any other appropriate recommendation.
5. No employee shall be disciplined or discriminated against in any way because of his/her proper use of the grievance procedure.
 6. To the extent the provisions of this Section conflict with Section 122.080 of this Code, the requirements of Section 122.080 shall apply. The procedure outlined in Section 122.080 shall be used if the alleged grievance is a disciplinary matter, although the Mayor may treat a hearing under this Section as a hearing for the purposes of Section 122.080(6) provided that all employee rights have been respected.

Section 122.100. Overtime. [R.O. 2011 §122.100; CC 1979 §23.170]

- A. The standard workweek for employees other than department heads shall be five (5) days or a total of forty (40) hours per week. Department heads and supervisors should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week. The department head or supervisor shall not be entitled to overtime pay under the provisions of this Section.
1. The department head or supervisor shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established workday and workweek. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities.
 2. When full-time employees are required to work extra or prolonged shifts, the employee shall be paid overtime pay which shall be one and one-half (1½) times the employee's regular pay scale.
 3. An employee who has left his/her normal place of work for his/her home and is called back for overtime work shall be paid for overtime with a minimum payment equal to one (1) hour's work.
 4. Temporary or probationary employee shall be entitled to overtime pay as provided in Subsection (2) above.

Section 122.110. Holidays. [R.O. 2011 §122.110; CC 1979 §23.180; Ord. No. 13-02, 2-25-2013]

- A. All full-time employees of the City shall receive normal compensation for the eleven (11) legal holidays listed below and any other days or parts of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Board. No part-time employees will receive compensation for the eleven (11) legal holidays listed below. Any part-time worker with regularly scheduled working hours employed before April 1, 2012, will receive holiday compensation in proportion to the number of hours normally scheduled to work. Holidays to be observed are:

New Year's Day	January 1
Martin Luther King, Jr., Day	Third Monday in January
Presidents' Day observed	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Thanksgiving and the Friday after	Fourth Thursday and Friday in November
Christmas Eve	December 24
Christmas Day	December 25

- B. It shall be the policy of the City to insure that all full-time employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by employees working a full-time position, Monday through Friday. For this group, when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. For full-time employees whose regular workweek is other than Monday through Friday, the department head shall designate the workday that shall be observed.
1. An employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.
 2. Any full-time employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his/her regular pay rate in lieu of the holiday missed or at the option of the City, he/she may be compensated at the City's approved overtime rates for his/her service on the regularly scheduled holiday.

Section 122.120. Vacation. [R.O. 2011 §122.120; CC 1979 §23.150]

- A. Every employee in the City service holding a full-time status position and having occupied such position for a period of twelve (12) consecutive calendar months shall be allowed annual vacation leave with pay. Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty day to which the employee is assigned at the time of his/her vacation. Employees with one (1) year of continuous service with the City shall be allowed vacation leave at the rate of one (1) week. Thereafter, employees with two (2) years of continuous service with the City shall be allowed vacation leave at the rate of two (2) weeks. Employees with fifteen (15) years continuous service with the City shall be allowed vacation leave at the rate of three (3) weeks.
1. Vacation leave shall be taken during the year following its accumulation.
 2. Vacation leave credit may not be carried from one year to the next.

3. Vacation leave must be taken in blocks of five (5) days each. Exceptions may be granted with the written consent of the Mayor.
4. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.
5. Records of vacation leave allowance and use shall be kept by the person responsible for the employee's payroll payment. Vacation leave scheduled shall be in regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the requests of the employees.
6. When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of vacation shall be granted.

Section 122.130. Sick Leave. [R.O. 2011 §122.130; CC 1979 §23.200]

- A. All full-time City employees shall earn sick leave with full pay at the rate of one (1) workday for each calendar month of service. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the six (6) month probationary period except with the written permission of the Mayor. Sick leave may never be taken in advance of earning the time. Sick leave may be accumulated up to sixty (60) days.
 1. An employee may be eligible for sick leave for the following reasons:
 - a. Personal illness or physical incapacity.
 - b. Quarantine of an employee by a physician.
 - c. Illness in the immediate family requiring the employee to remain at home.
 2. An employee who is unable to report for work because of one (1) of the above reasons shall report the reason for his/her absence to his/her supervisor within two (2) hours from the time he/she is expected to report for work. Sick leave with pay shall not be granted unless such report has been timely made. Documentation may be required of the employee before any sick leave will be granted or payment made. In all cases, sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented him/her from appearing for work.
 3. An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of any employee.
 4. Abuse of the sick leave privilege can result in dismissal.

Section 122.140. Maternity and Paternity Leave. [R.O. 2011 §122.140; CC 1979 §23.210]

On recommendation of an employee's supervisor or department head and upon the written order of the Mayor, an employee may be granted maternity or paternity leave without pay for a period

not to exceed three (3) months.

Section 122.150. Education Leave. [R.O. 2011 §122.150; CC 1979 §23.230]

The Mayor may authorize special leaves of absences, with or without pay, for any period not to exceed six (6) calendar months in any one (1) calendar year for attendance at a school or university for the purpose of training in subjects relating to the work of the employee and which will benefit the employee and the City service. The City may share in up to one hundred percent (100%) of the tuition costs if the course is completed successfully. However, if the City shares in the cost, the employee must remain in the City service for one (1) month for each hour of course credit, after completion of the course. If the employee fails in this obligation, the City's portion of the tuition will be deducted from the employee's last paycheck. In the event that the course is not based on credit hours, the employee's required length of stay after completion of the course should be determined by the employee and the Mayor before the course begins.

Section 122.160. Funeral Leave. [R.O. 2011 §122.160; CC 1979 §23.240]

An employee may be granted three (3) working days' leave with pay as needed in the event of the death of his/her spouse, child, mother, father, sister, brother, mother-in-law, or father-in-law.

Section 122.170. Jury Leave. [R.O. 2011 §122.170; CC 1979 §23.250]

An employee may be granted leave when required to be absent from work for jury duty or as a trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal duty pay.

Section 122.180. Disability Leave. [R.O. 2011 §122.180; CC 1979 §23.260]

- A. A permanent (full- or part-time) employee who is temporarily disabled in the line of duty shall receive pay equal to the difference between the amount received from Workers' Compensation benefits and his/her normal salary amount for the period of his/her disability without charge against his/her vacation leave, but to be charged against his/her sick leave, subject to the following conditions:
1. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work as provided in the State Workers' Compensation Act.
 2. If incapacitated for his/her regular assignment, the employee may be given other duties with the City Government for the period of recuperation. Unwillingness to accept such an assignment as directed by his/her department head or supervisor will make the employee ineligible for disability leave during the time involved.
 3. A physician selected or approved by the City shall determine the physical ability of the employee to continue working or to return to work.
 4. Disability leave shall not exceed sixty (60) working days for any one (1) injury.

Section 122.190. Workers' Compensation Law Adopted. [R.O. 2011 §122.190; CC 1979 §23.275]

The City hereby elects to accept the provisions of the State Workers' Compensation Law as set forth in Chapter 287, RSMo. The City is authorized to carry Workers' Compensation insurance on all employees and officers of the City covered by the State Workers' Compensation Law.

Section 122.200. Exceptions to This Chapter. [R.O. 2011 §122.200; CC 1979 §23.280]

The provisions of this Chapter shall not apply to members of the Fire and Police Departments to the extent that the personnel policies of those departments conflict with this Chapter.

Section 122.205. Retirement Benefits. [R.O. 2011 §122.205; Ord. No. 07-09, 6-6-2007; Ord. No. 09-11, 8-20-2009]

- A. The Board of Aldermen of the City of Puxico, a "political subdivision" as defined in Sections 70.600 through 70.755, RSMo., as amended, hereby elects to become a participating political subdivision of the Missouri Local Government Employees Retirement System and to thereby provide retirement benefits to all its eligible general employees and Police Officers under Benefit Program L-7. [Ord. No. 15-08, 5-21-2015¹]
- B. The Board of Aldermen of the City of Puxico hereby elects that one hundred percent (100%) of prior employment be considered for "prior service credit" in calculating benefits and contributions to LAGERS, and further elects that employees eligible to become members of LAGERS are those employees employed in positions normally requiring one thousand five hundred (1,500) hours of work a year, provided such employees are not members of another governmental retirement plan or are otherwise excluded from membership in LAGERS by State law.
- C. The Board of Aldermen of the City of Puxico hereby elects to have the "final average salary" of its employee members determined over a sixty (60) consecutive month period.
- D. The Board of Aldermen of the City of Puxico hereby elects to require employees who become members of LAGERS to pay four percent (4%) of the gross salary and wages as employee contributions to LAGERS.
- E. The Board of Aldermen of the City of Puxico elects the minimum service retirement age for all eligible employees.
- F. The Treasurer of the City of Puxico is hereby authorized and directed to deduct from the wages or salaries of each employee member the employee contributions, if any, required by Section 70.705, RSMo., and to promptly remit such contributions to LAGERS, along with the employer contributions required by Sections 70.705 and 70.730, RSMo., as amended. It is understood there is no statutory provision for a participating political subdivision to terminate its membership under LAGERS.
- G. The City of Puxico participation as a LAGERS political subdivision will commence on the first (1st) day of July, 2007.

ARTICLE II
City Vehicles

1. Editor's Note: The change from Benefit Program L-3 to L-7 shall be effective 7-1-2015.

Section 122.210. City Vehicles — Operation. [R.O. 2011 §122.210; CC 1979 §23.500]

Motor vehicles and motorized equipment belonging to or acquired by the City of Puxico or any department thereof are to be placed in charge of and operated by authorized personnel only and to be used and operated strictly for municipal purposes or such operation that contributes to or is related to municipal service, and the use of such vehicles for private purposes or convenience is strictly prohibited except in such cases as authorized by the Board of Aldermen.

Section 122.220. Logs to Be Kept. [R.O. 2011 §122.220; CC 1979 §23.510]

The person, officer or employee of the City of Puxico making use of a City-owned motor vehicle, whether as an incident to, or in the regular performance of their occupation as an officer or employee of said City, shall be required to maintain and keep in each vehicle an official log or record of the operation of such vehicle, duly entering therein the milage record of hourly use of such motorized equipment together with the date, and any maintenance or repair service required before or during the operation thereof. All purchases of fuels, oils, parts, or service shall be duly recorded in the vehicle log.

Section 122.230. Report to City Clerk. [R.O. 2011 §122.230; CC 1979 §23.520]

The logs of each vehicle or piece of motorized equipment shall be turned in at least once each month to the City Clerk for reconciling the information therein and to compile a permanent record of the cost expense repairs and other pertinent information concerning the operation of the equipment and the keeping of the cost date for record and accounting purposes.

Section 122.240. Emergency. [R.O. 2011 §122.260; CC 1979 §23.540]

Nothing in this Article will prevent the use of any City vehicle in matters concerning a public or private emergency or in the emergency management activities in the community.