

*In order to establish an equitable and uniform procedure for dealing with employee matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit, abilities, and fitness; and to provide a reasonable degree of security for qualified employees, the Articles of the Human Resources Manual are as follows:*

## **ARTICLE 1 - GENERAL PROVISIONS**

### **Section 1. Availability of Articles, Administrative Rules, and Departmental Rules**

- A. The City Administrator is authorized to establish Administrative Rules which implement and elaborate upon these Articles, in so far as such regulations do not conflict herewith.
- B. Copies of the Human Resources Manual shall be available in the Human Resources Department, on the City of Branson website, on the employee common drive, and in the administrative sections of each department for review by employees.
- C. In addition to the provisions stipulated herein, a Director shall have the authority to issue in writing reasonable rules concerning employee matters which are not governed by the Administrative Rules established by the City Administrator. Department Rules may be issued in order to govern matters which are unique to the department, provided that the rules have been approved by the City Administrator and are consistent with the City's Human Resources Articles and Administrative Rules. For disciplinary and termination purposes a violation of a departmental rule shall be considered the same as a violation of the Human Resources Manual or Administrative Rules.

### **Section 2. Classified and Unclassified Service**

The employees of the City of Branson are divided into classified and unclassified service. Employees in the classified service enjoy the benefits of the protections of these Articles. Unclassified employees serve at will, may be discharged without cause, and are exempt from the grievance and appeal provisions of these Articles, unless specifically otherwise provided.

### **Section 3. Supervisory Employee**

Any employee who oversees or directs the work of others and is directly involved in hiring, disciplinary actions, and conducting performance evaluations of subordinates. Such designation shall be included in the classification specifications.

### **Section 4. Exempt and Non-exempt Employees**

City employees shall be determined to be exempt or non-exempt in accordance with the regulations of the Fair Labor Standards Act.

### **Section 5. Human Resources Director**

The City Administrator shall appoint a Human Resources Director, who shall administer the Human Resources system of the City and shall be responsible to:

- (1) Publish or post notices of vacancies and/or examinations for all positions in the city.
- (2) Receive applications, prepare and forward applications to the Directors for their determination of persons eligible for appointment.
- (3) Administer all the Human Resources Articles not specifically reserved to the Board, or City Administrator.
- (4) Prepare and recommend to the City Administrator revisions and amendments to the Human Resources Articles.
- (5) Prepare class specifications, and provide for revisions of the classification plan.
- (6) Prepare a pay plan and merit plan, and provide for revisions of the plans covering all classifications of the classified and unclassified service.
- (7) Perform such other duties as may be assigned by the City Administrator not inconsistent with these Articles.

### **Section 6. Employee Human Resources Committee**

The City Administrator is authorized to establish an Employee Human Resources Committee, knowledgeable about the City's Human Resources Manual, and the intent and purpose of the same, whose task shall be to advise and assist with regard to the consistent application of the Human Resources Manual throughout the City. The City Administrator is also authorized to establish Administrative Rules to establish and guide the Employee Human Resources Committee's membership, scope of authority, duties, and procedures.

### **Section 7. Human Resources Fact-Finding Committee**

The City Administrator is authorized to establish Administrative Rules to establish a Human Resources Fact-Finding Committee which will review and address employee appeals.

### **Section 8. Appointments**

- A. Appointments to vacant positions in the City service shall be made in accordance with these Human Resources Articles. Appointments and promotions shall be based on merit, ability, and fitness, to be determined as far as practicable by competitive examination.
- B. Unless specifically retained by the City Administrator, authority to make appointments to regular budgeted positions at the first step of the pay plan or minimum of the salary range, is delegated to the appropriate Directors who may make the appointment after consultation with the Human Resources Director.

### **Section 9. Fair Employment**

- A. During the pre-employment process, no question or inquiry shall be so designed as to attempt to obtain information concerning race, color, national origin, sex, marital status, disability, religion, military status, age (other than that allowed by law), or any other applicant characteristic protected by law.
- B. No appointment to, or removal from, any position of the City service shall be influenced in any manner by any considerations of race, color, national origin, sex, marital status, disability, religion, military status, any consideration of age other than that allowed by law, or any other characteristic protected by law.

### **Section 10. Equal Employment Opportunity**

The City of Branson does not discriminate against employees or applicants for employment on the basis of race, color, religion, national origin, sex, military status, age, disability or any other characteristic protected by law. The City shall strive to develop and maintain an informational program designed to inform the general public and minority group organizations of the equal employment policies and program efforts of the City.

### **Section 11. Right to File a Grievance**

Any regular employee in the classified service shall have the right to file a grievance if the employee believes that there has been an improper application of the policies and procedures established by the Human Resources Manual, unless the right to file such a grievance is otherwise prohibited by these Articles.

### **Section 12. Right of Appeal**

Any regular employee in the classified service shall have the right to appeal any dismissal, demotion, or suspension without pay, unless the right of appeal is otherwise prohibited by these Articles. The City Administrator is authorized to establish an Administrative Rule to set procedures for employee appeals.

### **Section 13. Establishment and Abolition of Positions**

- A. Whenever a new position is proposed, the Director shall forward to the Human Resources Director a description of the duties, abilities, and responsibilities of the position. The Human Resources Director shall, after a study of the duties, responsibilities and qualification requirements, allocate the position to its appropriate class in the classification plan. If no appropriate class exists, a new classification shall be established and placed in the appropriate pay grade.
- B. The proposed classification specification and recommended pay grade shall be submitted to the City Administrator for approval.
- C. If approved by the City Administrator, vacancies created by the new classification specifications shall be filled in the manner and order prescribed in these Articles.
- D. The City Administrator shall be likewise empowered to abolish any position which is no longer needed.

### **Section 14. Employee Behavior and Ethics**

- A. Improper Political Activity
  - 1) Employees shall adhere to all relevant state and federal rules as they pertain to political activities of public employees. All employees should understand the importance of performing their duties in a non-partisan manner.
  - 2) No employee shall use, threaten to use, or attempt to use political influence with any person to secure employment benefits or other similar advantages or favors.
  - 3) Employees of the City shall not solicit any monetary contribution to the campaign fund of any particular organization or engage in partisan activity while on duty or on City property. No employee shall be required to engage in any election campaign.
  - 4) While on duty, or in City uniform, no employee shall participate in political activity of any nature other than casting his or her vote. "In City uniform" means wearing City issued clothing, or any clothing, pin, logo, label, insignia, or other item that identifies the person as a City employee.
  - 5) All employees have their rights as citizens to express their opinions on public concerns while not on duty.
  - 6) No appointive officer or employee of the City may hold an office inconsistent with the person's municipal duties.

## **B. Conflict of Interest**

- 1) No employee of the City shall transact any business in his/her official capacity with any business entity of which he/she is an officer, agent or member or in which he/she owns a substantial interest; nor shall he/she make any personal investments in any enterprise which will create a substantial conflict between his/her private interest and the public interest; nor shall he/she or any firm or business entity of which he/she is an officer, agent or member, or the owner of substantial interest, sell any goods or services to any business entity which is directly licensed by or regulated in any manner by the agency or department in which the employee serves.

## **C. Ethics Policy**

- 1) All City of Branson employees are expected to behave lawfully and ethically and will be subject all local, state and Federal laws, and specifically to 105.452.1 RsMo and 105.454.1 RsMo regarding ethical behavior. Failure to behave lawfully or ethically may result in disciplinary action, up to and including prosecution and/or termination of employment. Unlawful and unethical behavior will include, but is not limited to:
  - a. Conviction of a felony violation of any state or federal laws, committed while either on duty or off duty and while employed by the City of Branson; conviction of any local ordinance for crimes involving moral turpitude;
  - b. Acting or refraining to act in any official work capacity because of any payment, offer of payment or receipt of anything of value that is not part of the City of Branson's compensation and benefits package provided to the employee;
  - c. Using confidential information, or disclosing confidential, City of Branson information for personal gain or for the gain of another person;
  - d. Favorably acting or use decision-making authority granted by the City of Branson on any matter specifically as to provide benefit to him or herself, or to a spouse, family member, or outside business associate;
  - e. Performing any service in an official capacity for the City of Branson for which the employee has specific supervisory authority or control whereby he or she is compensated or provided some other material goods or services that go above and beyond the salary or

wage paid by the City of Branson for the employee acting in such capacity;

- f. Unless pre-approved by the City Administrator, receiving gifts, meals, discounts, drinks, prizes or gratuities from vendors, suppliers, businesses, visitors or guests that are greater than fifty dollars and zero cents (\$50.00) in value, or where the cumulative receipt of gifts, prizes or gratuities received are greater than two hundred fifty dollars and zero cents (\$250.00) during the course of a calendar year (Note: this is not intended to prohibit employees from receiving or needing pre-approval for randomly awarded prizes of higher values);
- g. Filing or submitting reports, documents, or statements that are purposefully misleading, incomplete, dishonest or inaccurate when conducting any form of business associated with the employee's job with the City; and
- h. Using the City of Branson's negotiated discounts, privileges or tax-exempt status for personal gain or benefit without prior approval by the City Administrator.

#### **D. Behaviors Based on Personal Attitudes, Opinions and Beliefs**

- 1) All employees have the right to hold whatever personal opinions, attitudes and beliefs they choose. However, all employees are required to exhibit an attitude toward their supervisors, coworkers, customers, vendors, visitors and guests that reflects cooperation, respect and professionalism, and they are to display attitudes and behaviors at all times while at work that are free from hostility, violence, harassment or abuse.
- 2) All employees are expected to comply with the guidelines applicable to conveying personal attitudes, opinions and beliefs specific to electronic mail and social media.

### **Section 15. Outside Employment**

- A. Outside employment of any employee shall not be permitted except with the written permission of the Director and with the approval of the Human Resources Director, and the City Administrator. Permission must be renewed at the beginning of the fiscal year, and may be revoked with cause by written notice to the employee by the Director.
- B. Employees shall not be eligible to work any outside employment on a day the employee has called in sick due to their own illness, or is using sick leave under FMLA or Workers' Compensation statutes. The day will be defined as the twenty-four (24) hour period beginning at the end of the shift for which the

employee called in sick. If an employee works irregular shifts and missed the original shift due to illness, but then works a subsequent shift within the 24 hour period, the original 24-hour holding period then becomes void.

- C. If an employee calls in sick on their last workday during a workweek, works outside employment on their days off, and then calls in sick on their next workday, the employee may be subject to discipline for misuse of sick leave.
- D. Employees shall only be allowed to work outside employment when they are limited to light or restricted duty by a physician if they:
  - (1) follow all restrictions, and
  - (2) receive approval from the attending physician and their Department Director.

### **Section 16. Oath of Office**

Every officer and employee of the City shall take and subscribe an oath or affirmation before the City Clerk, that he or she possesses all the qualifications prescribed for his or her office by law; that he or she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this state affecting cities of this class, and the ordinances of the City of Branson, and faithfully demean him/herself while in office.

### **Section 17. Closed Meetings and Closed Records**

All meetings and discussions by the Board of Aldermen pertaining to personnel shall be conducted in closed session pursuant to 610.021 RSMo. The City of Branson's personnel records shall be closed pursuant to 610.021.13RSMo.

### **Section 18. Open Door Policy**

The City Administrator is authorized to establish Administrative Rules that set forth consistent guidelines regarding an Open Door Policy for City Employees.

### **Section 19. Employee Appearance at Work**

The City Administrator is authorized to establish Administrative Rules that provide consistent guideline for employees' appearances at work.