

## Attachment A

**300.06 - Performance Evaluations and Pay Adjustment**

**Effective Date: 10/10/19**

Supervisors and employees are always strongly encouraged to discuss job performance and goals on an informal, periodic basis. Formal performance evaluations are given on a recurring basis every 6 months. Performance evaluations will be provided in the spring and fall of each year and provide both supervisors and employees the opportunity to discuss job duties, strengths, developmental and improvement opportunities, and set goals. The spring evaluation is for planning, goal setting, and coaching purposes. The fall evaluation is for performance measurement and wage increases, as the City operates a pay for performance evaluation system. A pay for performance evaluation system allows the employee to receive merit pay or wage increases based upon individual performance and gives each employee more opportunity to determine their own merit pay or wage increase within budgeted policy. Increases in compensation under this system are subject to the budgetary process and allocation of funds for this purpose.

The City of Warrensburg uses an electronic performance evaluation system. Human Resources initiates each cycle-based review, otherwise known as the Spring and Fall evaluation cycles. Each employee starts the evaluation process by completing their own personal evaluation of their own performance within three weighted areas: Job Duties, Current Goals, Performance Competencies. A 1-5 rating system or scale is used on each category with 1 being unsatisfactory, 2 being needs improvement, 3 being meets job requirements, 4 being exceeds job requirements and 5 being outstanding. Once the personal evaluation is completed an overall employee evaluation or performance-weighted average rating is automatically calculated between 1 and 5. The employee sends the personal evaluation to their immediate Supervisor who will complete the same evaluation process for the employee. Once the Supervisor's evaluation is complete, a meeting is scheduled between the employee and Supervisor to review, discuss, and finalize the evaluation. The Supervisor's weighted average score after this meeting is the final evaluation score and is subsequently sent on for review by the department director and ultimately the city manager. The employee always ends the evaluation process with the opportunity to provide feedback on the evaluation process.

After completion of the Fall evaluation cycle, merit pay or wage increases for the next calendar year will be based upon the Supervisor's final weighted average evaluation score subject to budget authorization for such purposes as follows, and subject to the City's usual budget process: average scores falling in the top 10% of all scores will receive a 5% merit or wage increase, average scores in the next 15% of all scores will receive a 4% merit or wage increase, scores in the middle that fall between an average

score of 3.00 and the top 25% of all scores will receive a 3% merit or wage increase, average scores between 2.00 and 2.99 will receive a 2% merit or wage increase, average scores between 1.00 and 1.99 will receive a 1% merit or wage increase and any average score below 1.00 will not receive an increase.

### Merit Pay

Merit Pay is a positive recognition of increased effectiveness in performing the duties of a position as described in the job descriptions for that classification. As an employee's performance in a position continually improves as evidenced by greater production, improved judgment, and increased initiative, recognition is given to the employee by means of a merit payment. However, merit pay and/or wage increases are not guaranteed and are always subject to the ongoing budgetary requirements of the City. In the fiscal year that the City is able to provide merit pay and/or wage increases, a new employee who is hired no more than six months prior to the enactment of the increases will not be eligible for the merit pay and/or wage increase.

### Standards for Withholding Merit Increases and Performance Improvement Plans

A merit payment may not be granted when an employee's performance fails to meet the measures of competency required by the position description, lacks initiative, lacks judgment, has poor attendance, or other reasons as described by the department director in the employee's performance evaluation. The department director and their supervisor shall be responsible for informing the employee of their employment deficiencies and the expected improvements and establish a time of the next scheduled evaluation.

If an employee's annual performance evaluation indicates that the employee's overall performance has not been satisfactory or there are serious deficiencies in any area, the employee may be placed on a performance improvement plan, moved to another position that may be more suited to the employee's qualifications (if the department director reasonably believes that the employee will make immediate and substantial improvement and sustain it indefinitely thereafter), or the employee's employment may be terminated.

A performance improvement plan is used to address deficiencies in performing job duties or the technical aspects of a job. It may also be used in appropriate circumstances to address behavioral deficiencies or failure to comply with the personnel policies, although disciplinary action (or disciplinary action in conjunction with a performance improvement plan) is used to address those issues instead. If an employee is placed on a performance improvement plan, it will require that the employee make immediate and substantial improvement, sustain it indefinitely thereafter, and meet

specific expectations, goals, and/or benchmarks as agreed upon or as communicated by the employee's supervisor or Manager. The status of the improvement plan will be reviewed, and progress will be discussed with the employee.

Employees who fail to meet performance expectations within the time frame established, in the prior evaluation or performance improvement plan, may be released from employment with the City, with or without cause.

#### Promotion

An employee promoted to a higher classified position shall be given a minimum of a five percent (5%) pay increase but not less than the base rate for the range in which the position is classified.

Example: Current increase \$100, new range \$102 to \$112, final pay \$105.

Current increase \$100, new range \$107 to \$117, final pay \$107.

The date for the employee's performance evaluation shall remain unchanged and will follow the spring and fall evaluation periods as previously described.

#### Demotion

A demotion is the movement of an employee to a position with a range level lower than the employee's current range level.

It is the policy of the City to ensure effective levels of performance are maintained. Depending upon the availability of a vacant position for which an individual is qualified, an employee may be demoted for inadequate performance, as a means of disciplinary action, or upon voluntary written request.

#### Involuntary Demotion

An employee demoted to a lower pay classification for inadequate performance or as a means of disciplinary action shall be given a minimum of a three percent (3%) reduction in pay from their current salary and must be at, or below, the top of the pay range.

#### Voluntary Demotion

An employee may request a voluntary demotion in writing and must follow the recruitment process.

1. The department director shall consult with the Human Resources Department to ascertain the appropriate wage or salary.
  - a. The wage or salary will be commensurate with the range and position.

- b. The wage or salary authorized shall be based upon internal equity and qualifications of the applicant for the position.
  - c. The wage or salary shall not exceed the maximum pay of the appropriate range.
2. An employee begins the evaluation period on the date of demotion and is subject to all City rules.

#### Report of Performance Evaluation

A report of performance evaluation must accompany the Personnel Status Form when an employee is being considered for merit payment, promotion, demotion, or termination.

A satisfactory performance evaluation or successful completion of a performance improvement plan period does not change an employee's status as an at-will employee. In addition, the City may terminate an employee at any time during employment, during or after a performance improvement plan period if performance is unacceptable, or for any other reason that is not unlawful, regardless of whether an annual performance evaluation has been given or the entire performance improvement plan period has been completed. Any comments made, oral or written, directly or indirectly, by the employee's department director, supervisor, or other City representatives before, during, or after a performance evaluation or performance improvement plan (including during any coaching, counseling, or progress report session) should not be construed as a promise, agreement, or guarantee of an increase in pay, compensation adjustment, promotion, continued employment, or retention.

## **400.03 - Holidays**

**Effective Date:** 07/14/14

The City recognizes the following holidays each year and grants time off to all employees on these holidays, unless business needs require that an employee work on the holiday:

- New Year's Day (January 1)
- Martin Luther King, Jr. Birthday (Third Monday in January)
- Presidents' Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Juneteenth Day (June 19)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- Day After Thanksgiving (Friday after Thanksgiving)
- Christmas (December 25)
- Two Floating Holidays (Selected by employee with approval of department director and/or supervisor)

The total amount of days including the observed holidays is not to exceed 13 days.

If one of these holidays falls on a Saturday, the City will generally recognize the holiday on the preceding Friday. If a holiday falls on a Sunday, the City will generally recognize the holiday on the following Monday. Recognition of an alternative day for a holiday that falls on a weekend is not guaranteed and is always subject to business needs.

Part-time, seasonal, and temporary employees are not entitled to holiday or floating holiday pay.

Active regular full-time employees who are eligible to receive holiday time off are also eligible for holiday pay. Holiday time off with pay is granted from the date of hire for all regular full-time employees except police officers and Fire Department employees who are regularly scheduled to work 24-hour shifts (as such employees receive a combination of holiday and PTO time off instead).

If a holiday occurs while a regular full-time employee is on paid absence (e.g., PTO or other paid time off except for leave covered by workers' compensation, short-term disability, or long-term disability benefits), the employee will be eligible for holiday pay. If an employee is on such paid absence when the holiday occurs, the day will be treated as a paid holiday and not deducted from the employee's other paid time off balances.

If a holiday occurs while an employee is eligible to receive short-term disability benefits or workers' compensation benefits, the employee will receive those benefits in lieu of holiday pay.

If a regular full-time, non-exempt employee is scheduled to work on a holiday, they will receive holiday premium pay in addition to holiday pay. Paid holiday hours do not count as hours worked for the purpose of calculating overtime pay.

The floating holiday must be used by regular full-time employees during the calendar year and may not be carried over to the next calendar year. As employees receive holiday benefits upon beginning employment, floating holiday hours are granted as such:

<b>Date of Hire</b>	<b>Floating Holiday Hours Granted</b>
January 1 through March 31	16
April 1 through June 30	12
July 1 through September 30	8
October 1 through December 31	4

**400.33 - Domestic Violence or Sexual Violence  
Leave**

**Effective Date:** 09/27/21

Purpose

Missouri's Victims Economic Safety and Security Act (VESSA) requires certain Missouri employers to provide leave and reasonable safety accommodations to employees who experience domestic or sexual violence. The following is a summary of the leave requirements under VESSA. This policy and the posting do not necessarily include all VESSA requirements, disclosures, or information employees may need to know, but are intended to provide employees with basic VESSA information.

Eligibility

Employees working for the City are eligible to take leave under the statute if (1) they are victims of domestic or sexual violence, or (2) they have a family or household member who is a victim of domestic or sexual violence.

Reasons for Leave

Eligible employees may take VESSA leave for the following purposes:

- a. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence against the employee or the employee's family or household member;
- b. Obtaining victim services for the employee or the employee's family or household member;
- c. Obtaining psychological or other counseling for the employee or the employee's family or household member;
- d. Participating in safety planning, including temporary or permanent relocation, or other actions to increase the employee or the employee's family or household member's safety from future domestic or sexual violence; and/or
- e. Seeking legal assistance to ensure the health and safety of the employee or the employee's family or household member, including participating in court proceedings related to the violence.

Use of Leave

Under VESSA, employees are eligible for up to two weeks of unpaid leave per year. VESSA leave, does not serve to extend other leave under FMLA beyond 12 weeks in any twelve-month period. Much like FMLA leave, VESSA leave can be taken intermittently or on a reduced work schedule.

### Employee Notice of Need for Leave and Other Responsibilities

An employee must provide at least 48 hours' advance notice of the need for leave unless such notice is impractical, in which case the notice must be given as soon as possible. When an unscheduled absence occurs, the City may not take any action against the employee if the employee, upon request of the City and within a reasonable period after the absence, provides certification under the requirements below.

When notifying the Human Resources Department of a need for leave, an employee must provide a sworn statement and documentation showing they are eligible for the leave, such as a police report or document from a victim services organization, medical professional corroborating eligibility, an attorney, a member of the clergy, or other corroborating evidence.

### Accommodation Requirements

Under VESSA, employers are required to make reasonable safety accommodations unless such accommodations would result in undue hardship for the employer. Such an accommodation must be made "in a timely manner" to the known limitations resulting from the domestic or sexual violence experiences of an employee or an employee's a family or household member. VESSA defines broadly the term "family or household member" to include spouses, parents, children, "other blood relatives and relatives through a present or prior marriage", other persons who share a relationship through a child, or persons residing in the same household.

The statute defines the term "reasonable safety accommodations" within RSMo Sections 285.625 to 285.670.

An employer can ask an employee requesting such accommodation to provide a written statement signed by the employee or someone acting on the employee's behalf certifying the requested accommodation is for purposes authorized under VESSA.

### Benefits and Protections While on Leave

Use of VESSA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. While on leave, the City shall maintain such health care coverage as the employee had under the City's group health insurance plan(s) prior to commencement of leave. This includes charging the employee the active employee rate (not the COBRA rate) for premiums while the employee is on leave. However, benefit accruals other than health insurance continuation as set forth above (e.g., PTO and holiday benefits) will be suspended during the entire leave or during any part of the leave that is not covered by paid time off benefits but will resume upon return to active employment.

### Retaliation Prohibited

VESSA prohibits employers from retaliating against employees for exercising their rights

under the statute. Consistent with this principle, the law entitles employees who take VESSA leave to be restored to their job or an equivalent employment position upon returning from leave.

Confidentiality

Employee requests for certification related to leave or benefits will be kept confidential in the employee's personnel file, or medical personnel file, as the circumstances may require.

The City always expects its employees to perform their jobs and behave in an ethical, appropriate, and acceptable manner and to comply with the spirit and intent of these personnel policies. In most instances, an applicable policy and an employee's own good judgment will tell the employee what is permitted or prohibited and what is an appropriate and acceptable course of conduct.

While most City employees consistently do a good job and act appropriately most of the time, there are times when some employees will perform at an unsatisfactory level, violate a City policy or work rule, or engage in conduct which is inappropriate for at work. Therefore, the City may find it necessary to administer disciplinary, corrective, or remedial action from time to time.

The major purpose of this policy is to provide guidance on the consequences of inappropriate or unacceptable performance and conduct and the measures the City may take. The City's goal is to correct a problem, at an early stage if possible, prevent it from recurring, and assist or prepare the employee for satisfactory conduct and performance in the future.

#### Forms of Disciplinary Action

In some cases, the City may choose to provide the employee with an opportunity to correct a problem by using measures that are less severe than termination of employment. Examples of such less severe measures might include verbal counseling or warning, written counseling or warning, probation, suspension pending investigation (with or without pay), disciplinary suspension without pay, demotion or transfer, performance improvement plan, retraining, external evaluation, suspension of paid time off benefits, suspension of eligibility for paid time off benefits, reduction in base pay, a combination of these forms, or other corrective measures.

#### Selection of Disciplinary Action

No policy can be written which will cover all situations or circumstances. In determining the type and level of disciplinary action that the City believes would be appropriate under the circumstances, the City will generally consider the seriousness of the issue, the employee's disciplinary and performance history, mitigating and aggravating factors, and such other factors as would be appropriate.

Although one or more of the forms of disciplinary actions mentioned in this policy may be taken, no formal order or system or any series of steps is required. The City reserves the right to administer such discipline as it, in its sole discretion, believes is appropriate for a given set of circumstances. Nothing in this policy is to be interpreted as altering

the City's at-will employment policy. At all times and at any time, both the employee and the City remain free to terminate the employment, with or without reason, cause, or advance notice.

### Progressive Disciplinary Action

When taking disciplinary or performance history of the employee into account, progressive action may be imposed. In other words, the action taken may build on any prior disciplinary action and may progress in severity if there has been prior disciplinary action. More serious measures may be taken if the employee has had past disciplinary or behavioral issues, even if the current situation involves a different rule infraction, behavioral problem, or performance deficiency.

If the City determines that progressive discipline or action is to be applied, the following steps may be followed by supervisors. Please note that these steps are guidelines only and may not always be followed. Disciplinary action may be initiated at any step in this process or with other disciplinary, corrective, or remedial measures, at the City's discretion.

Whenever disciplinary, corrective, or remedial action is imposed other than discharge, the employee is expected to make immediate and substantial improvement to promptly bring behavior or performance to a level that is acceptable to the City and meets the City's expectations, and then to sustain it indefinitely thereafter.

### Steps of Progressive Discipline

The City has provided guidelines below on the more common steps of progressive discipline that supervisors may use. However, supervisors are not limited to just these steps. In some situations, a suspension pending investigation, a disciplinary suspension, performance probation or a performance improvement plan, or termination of employment may be appropriate without going through the progressive steps below. In addition, the City may apply other types of measures, even if not mentioned above (e.g., retraining, external evaluation, demotion or transfer, suspension of paid time off benefits, suspension of eligibility for bonuses or other supplemental compensation, reduction in base pay), a combination of these forms, or other corrective measures.

All forms of discipline shall be discussed and reviewed with the Human Resources Department and the employee's department director before the disciplinary action is imposed. The city manager's approval is necessary to impose Step 5 or any discharge, except as provided by state law and departmental policy for police officers. Investigation and imposition of discipline for commissioned police officers will be conducted in compliance with departmental policy guidelines and state law in addition to the provisions of this policy.

1. Step 1 - Verbal Counseling. Whenever a supervisor becomes aware of poor

performance or observes an employee violating a work rule, work habits, attitude, or personal conduct in the workplace, the supervisor may discuss the violation or behavior with the employee and give the employee counsel and assistance on avoiding further violations or correcting the poor performance. Corrections and suggestions should be made in a constructive and helpful manner. The supervisor should make a written note of the discussion for future reference and file it in the employee's file with the Human Resources Department.

2. Step 2 - Written Warning. Whenever an employee's poor performance or failure to observe work rules, work habits, attitude or personal conduct in the workplace is repeated or material, the employee's supervisor may meet with the employee, explain the nature of the employee's violation or poor performance, and advise the employee as to what steps the employee must take to abide by the work rules or improve their poor performance.

The nature of the violation or poor performance, and the directions for correction, are to be reduced to a written memorandum. The written memorandum should document any prior oral communications with the employee involving other (related or unrelated) prior violations of work rules or poor performance. It should also state that failure to improve and/or occurrence of any additional incidents of unacceptable performance or conduct or violation of policies may result in further disciplinary action, up to and including discharge.

The memorandum is to be signed by the supervisor and the department director. The employee is to be given a copy and asked to sign acknowledging receipt. The employee may add their words of explanation to the written memorandum before it is placed in the employee's personnel file. If an employee refuses to sign it, the supervisor is to make a notation to that effect in the employee signature space and date it. An employee's refusal or failure to sign a disciplinary action has no effect on the action taken and it may still be considered in the future. This written memorandum will become a part of the employee's personnel file.

3. Step 3 - Suspension without Pay. Whenever an employee commits a serious or major offense (as determined in the discretion of the department director), violates the conditions of a written reprimand, or repeats conduct which has been the subject of prior disciplinary action, a disciplinary suspension may be imposed, and the employee ordered off work for no more than ten (10) workdays/shifts without pay. The number of days of suspension is to be related to the seriousness of the conduct or pattern of conduct which is the subject of disciplinary action.
4. Step 4 - Demotion. Whenever an employee commits a serious or major offense

(as determined in the discretion of the department director) or has been suspended, returned to active employment and once again faces disciplinary action, or has violated the conditions of a written reprimand, the employee may be demoted to a lower job classification with an appropriate reduction in pay.

5. Step 5 - Dismissal (Discharge or Termination). An employee may be discharged for cause whenever the employee: (a) commits a serious or major offense (as determined in the discretion of the department director); (b) has violated the conditions of a written reprimand; (c) has demonstrated an inability to perform assigned duties with or without reasonable accommodations; or (d) has been suspended and returned to active duty, or demoted, and once again faces disciplinary action. Dismissal of an employee for cause will be justification to deny future employment with the City. Discharge for any of the foregoing reasons will be a discharge for cause.