

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE HUMAN RESOURCES SYSTEM (PERSONNEL) RULES AND REGULATIONS CHAPTER 125 SECTIONS 125.020 DEFINITIONS, 125.240. OTHER EMPLOYEE BENEFITS

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That the Code of Ordinances of the City of Osage Beach, in Chapter 125, specifically 125.020 Definitions, Other Employee Benefits are hereby repealed and new sections 125.020 Definitions, 125.240. Other Employee Benefits are hereby enacted with amendments as set forth below with new material set out in red and deleted material struck as follows:

Section 125.020. Definitions. The following terms, whenever used in these rules, shall be defined as follows:

ALLOCATION — The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

APPOINTED OFFICIAL — The following positions shall be deemed appointed officials: City Administrator, City Clerk, Chief of Police, Building Official, City Planner, Public Works Director, City Treasurer, and City Attorney.

APPOINTING POWER — The officers of the City who, in their individual capacities or as a board, commission, the Mayor, or Board of Aldermen, have the final authority to make the appointment to the position to be filled.

CITY — The City of Osage Beach.

CITY ADMINISTRATOR — City Administrator as used in these rules shall be the appointed City Administrator or individual named by the City Administrator to act in his/her behalf on these matters.

CLASS — All positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and salary.

CLASSIFICATION OF EMPLOYEES — Employees shall be classified as full-time, temporary/ seasonal, part-time, PRN, contractual, appointed, or intermittent.

CLASSIFIED SERVICE — All positions of full-time status employment in the service of the City except members of boards and commissions and officers of the City.

COMMISSION — The Human Resources Commission established as provided elsewhere in these regulations.

CONFLICT OF INTEREST — A direct or indirect interest that conflicts substantially with an employee's official duties and responsibilities.

DEMOTION — The movement for disciplinary purposes of an employee from one class to another class having a lower maximum rate of pay.

DEPARTMENT MANAGER — Full-time employee designated broad areas of responsibility within the

City.

DESIGNEE — Staff member designated by the City Administrator to represent him/her in human resources matters.

ELIGIBLE — A person whose name is on an employment list.

EMPLOYEE —

1. *APPOINTED OFFICIAL*: The following positions shall be deemed appointed officials: City Administrator, City Clerk, Chief of Police, Building Official, City Planner, Public Works Director, City Treasurer, and City Attorney.
2. *CONTRACTUAL EMPLOYEE*: Any employee who receives compensation and other benefits as provided for in individual contracts negotiated between the employee and the City.
3. *EXEMPT EMPLOYEE*: An employee that does not qualify for overtime benefits as defined by the Fair Labor Standards Act.
4. *FULL-TIME EMPLOYEE*: An employee who regularly works at least thirty-two (32) hours per week on a year-round basis and who has successfully completed the probationary period and has been appointed as a "full-time" employee.

For the purpose of the definition of full-time employees eligible for benefits under section 125.240, the City Administrator shall have the authority to direct the use for the alternate definition "Full Time Employee under Pandemic Illness Emergency", set forth below, for any employee impacted by staffing or hours reductions where the Mayor has declared a Pandemic Illness Emergency under Section 125.120 F of this code.

FULL TIME EMPLOYEE under Pandemic Illness Emergency: An employee who regularly works at least twenty-four (24) hours per week on a year-round basis and who has successfully completed the probationary period and has been appointed as a "full-time" employee.

5. *INTERMITTENT EMPLOYEE*: An employee who fills a position that requires a large degree of flexibility in the number of hours worked either on a daily, weekly, monthly, or annual basis.
6. *NON-EXEMPT EMPLOYEE*: An employee that does qualify for overtime benefits as defined by the Fair Labor Standards Act.
7. *PART-TIME EMPLOYEE*: An employee who regularly works less than thirty-two (32) hours per week on a year-round basis. Part-time employees are excluded from benefits and the appeal process under these rules.
8. *PRN STATUS EMPLOYEE*: An employee who works on an as needed basis. PRN status employees are excluded from benefits and the appeal process under these rules.
9. *PROBATIONARY EMPLOYEE*: Any employee serving a probationary period. They are excluded from the appeals process under these rules.
10. *TEMPORARY/SEASONAL EMPLOYEE*: A classification of employees who may work up to forty (40) hours per week or more, but not on a year-round basis and who are excluded from benefits and the appeal process under these rules.

EMPLOYMENT – Providing or performing a service, or participation by an employee in any enterprise, public or private, which results in or anticipation of receiving wages, compensation, or other consideration of value. Employment does not include unpaid volunteer work for a charitable or civic organization, unless that work falls outside the criteria detailed in the Secondary Employment Policy.

SECONDARY EMPLOYMENT – Secondary employment refers to two types of employment, extra-duty employment and off-duty employment.

1. **EXTRA-DUTY EMPLOYMENT:** An extra-duty assignment for Police Officers, Paramedics, or EMTs, or other approved City employee, at an assigned location within City limits for duties or services to be performed by a City employee on behalf of a third party, an outside organization, company, or individual, pursuant to an approved agreement between the City and the third party.
2. **OFF-DUTY EMPLOYMENT:** Commonly referred to as outside employment. A job, duty, or activity performed by a City employee which wages, compensation, or other consideration of value is received from a third party, includes but not limited to, another organization, company, or individual. This includes self-employment, contract work, and any other agreement for services made by a City employee with a third party.

EMPLOYMENT LIST — OPEN — A list of names of persons who have applied for employment in the classified service and have qualified for consideration by demonstrating their fitness for such employment.

EMPLOYMENT LIST — PROMOTIONAL — A list of names of persons who are presently employed in the classified service and who have qualified for promotion to a higher class.

EXAMINATION —

1. *EXAMINATION — CONTINUOUS:* An open competitive examination which is administered periodically and as a result of which names are placed on an employment list. Such examinations shall be conducted as the needs of the City dictate.
2. *EXAMINATION — OPEN COMPETITIVE:* An examination for a particular position, which is open to all persons meeting the qualifications of that position.
3. *EXAMINATION — PROMOTIONAL:* An examination for a particular position, admission to the examination being limited to full-time and probationary employees in the classified service who meet the qualifications of that position.

HUMAN RESOURCES DIRECTOR — The City Administrator administers the comprehensive human resources program as established by the Osage Beach Code of Ordinances.

MANAGEMENT TEAM — The following positions shall be deemed the Management Team: the appointed officials, as defined within Chapter 125, Assistant City Administrator, Human Resources Generalist, Airport Manager, IS Operations Manager, and the Parks and Recreation Manager.

MERIT INCREASE — A salary increase granted on the basis of meritorious service within the limits of a pay range established for a class.

NEPOTISM — Favoritism shown to relatives of employees or the Mayor and Board of Aldermen especially in appointment to desired positions. Relatives shall include all persons related to the fourth degree by either consanguinity or affinity.

OVERTIME — As defined in the Fair Labor Standards Act except as per Section 125.050(G).

POLICE DEPARTMENT — All law enforcement, records, "911" center, and ambulance employees.

PROBATIONARY PERIOD — A trial period during which an employee is required to demonstrate fitness for the position to which appointment may be made after review of actual performance of the duties of the position by the probationary employee.

PROMOTION — The movement of an employee from one class to another class having a higher maximum rate of pay.

PROTECTED CLASS — Those persons belonging to a class which, because of race, color, religion, sex, national origin, handicap or age, is protected by State or Federal law.

PROVISIONAL APPOINTMENT — The appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class subject to successful completion of the probationary period.

RECLASSIFICATION — The movement of an employee, for reasons other than promotion or demotion, from one class to another class having a higher or lower maximum rate of pay.

SENSITIVE SAFETY FUNCTIONS — Operation of any vehicle or piece of equipment capable of causing physical injury to an employee or members of the public.

SEXUAL HARASSMENT — Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that takes place when submission to the sexual advance is a condition of keeping or getting a job, or a condition of other human resources action, whether the remarks were explicit or implicit. Sexual harassment also occurs when sexual conduct unreasonably interferes with a person's work performance or creates an intimidating, hostile work environment.

SHIFT WORKER — A full-time employee whose workweek is other than Monday through Friday, 8:00 A.M. — 5:00 P.M.

SUPERVISOR — A person who has been designated as a supervisor and has the authority and responsibility for overseeing, scheduling, and performance of other employees.

SUSPENSION — WITH PAY — The temporary relief from duty of an employee during a period of inquiry into actions of the employee.

SUSPENSION — WITHOUT PAY — The temporary separation from service of an employee without pay for disciplinary purposes.

TRANSFER — The change of an employee from one position to another in the same pay range.

Section 125.240. Other Employee Benefits

A. Insurance.

1. The City provides the following insurance benefits to full-time employees without cost: health, ~~dental~~, short-term disability, and group life. Health, dental, and life insurance coverage for dependents of full-time employees is optional to the employee. The City will provide a portion of the cost of dependent ~~health~~ coverage. **Dental and Vision** insurance coverage is offered to employees and dependents.

2. Full-time employees who can provide proof of coverage from another health insurance program may opt out of participating in the City's health insurance program. The City will provide an incentive in the amount of forty percent (40%) of the cost of single coverage to employees who qualify for the opt-out program. Payments shall be spread evenly over the pay periods in a calendar year. If an employee is no longer an employee of the City, payments cease and the employee has no right to any amounts not paid in the calendar year.
3. Full-time employees who retire due to age or disability and have completed ten (10) years of employment with the City may make arrangements to continue their coverage under the City's health insurance program at their own expense by providing a thirty (30) day notice to the Human Resources Generalist.

~~B.~~ *Cafeteria Plan.* Employees may take advantage of reducing their taxable income through utilization of the cafeteria plan. Additional supplemental insurance policies, such as cancer, accident, and intensive care are available and premium amounts for these and dependent medical are deducted from gross income prior to income tax deductions.

~~C.~~ *Medical Reimbursement.* ~~The City provides each full-time employee two hundred fifty dollars (\$250.00) per year for medical expenses in a medical reimbursement account. Employees may also reduce taxable income by setting aside pre-designated amounts into the plan for dependent care and medical expenses not covered by insurance. Enrollment is restricted to within thirty (30) days of employment for new employees and during an annual enrollment for current employees.~~

~~D.~~ **C. Retirement Plans.**

1. The City will provide full-time employees six percent (6%) of gross wages under Section 401A of the Internal Revenue Service Code into accounts. The City will provide up to an additional one percent match contribution of gross wages under Section 401A of the Internal Revenue Service Code into the employee's account upon the employee's contribution of up to one percent (1%), which may be in one-half percent increments. There is a five (5) year vesting period. Employees should contact the Human Resources Generalist for detailed information.
2. *Deferred compensation.* All employees and elected officials may elect to participate in a deferred compensation program offered by the City. The City will not participate monetarily in this program.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgement or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty

instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval by the Mayor.

READ FIRST TIME: May 21, 2020 READ SECOND TIME: May 21, 2020

I hereby certify that Ordinance No.20.32 was duly passed on May 21, 2020, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstentions: 0 Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

May 21, 2020
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.20.32.

May 21, 2020
Date

John Olivarri
John Olivarri, Mayor
Tara Berreth
Tara Berreth, City Clerk