Committee: Policy and Finance  
Date: April 29, 2019  
Time: 3:00 P.M.  
Location: 1st Floor Conference Room – Holliday Bldg 620 SE Madison  
Attendance: Councilmembers Jeff Coen & Brendan Jensen, Jacque Russell (HR Director), Shawn Maisberger (HR), Lisa Robertson (City Attorney), Catherine Walter (Legal)  

1) Call to order  
Councilmember Coen introduced the committee members. Councilmember Emerson was absent.  

2) Approve April 22, 2019 Minutes  
Councilmember Jensen made a motion to approve the minutes as presented. Councilmember Coen seconded the motion. Minutes approved 2:0:1.  

3) Discuss Best Practices  
Lisa Robertson, City Attorney, noted that discussion items for the meeting would involve reviewing items found within the existing Personnel Code, and comparing them with the provisions that have been adopted over the past twenty-eight years (since 1991) through Administrative Rules and Regulations.  

- Personnel Code Article 2 Section 6: Personal Business – Conducting personal business while on duty shall be prohibited.  
  - City’s Adopted Policy 131 – Code of Conduct is more descriptive, than the Personnel Code language.  
  - Councilmember Coen inquired if the subject was an issue for City of Topeka employees. Ms. Robertson stated it is common practice to have something stated in a Personnel Code regarding the subject. Jacque Russell, HR Director, noted that the issue of employees using company time to conduct personal business comes up from time to time but that it is not a frequent occurrence.  
  - Councilmember Jensen stated that trying to ban this activity completely was not realistic. Ms. Russell noted that taking a personal phone call or checking an
email while at work was a topic is covered in greater detail in the Telecommunications Policy, which will be covered at another meeting. Incidental use of the City’s systems to conduct a phone call or send an email are not prohibited.

- Councilmember Jensen suggested removing the ban or elaborating on the section description within the Personnel Code. Ms. Robertson noted that the purpose of reviewing these items was for the committee and Governing Body to note the preferred language and combine the information into one document.

- Personnel Code Article 2 Section 7: Conflict of Interest – This section lists exceptions and more explanation to Section 6 and gives permission to the City Manager to authorize an exception to employees conducting outside business on City time. P131 Code of Conduct has a lot more detail listed out.

- Personnel Code Article 2 Section 8: Consideration Given to Achieve Promotion. This section aligns with page 14 of the Code of Conduct P131, Section 3: Fair and Equal Treatment, §A.

- Personnel Code Article 2 Section 9 §A, B, C: Political Activity – This language is different from what is found in P131, Section 7 §A-G: Involvement in Political Process. Language in P131 is more specific and detailed.

Councilmember Coen inquired if employees would be allowed to put a candidate’s campaign sign in their yard. Ms. Russell noted that employees could do so. If an employee was running for a local office, they would be required to take a leave of absence during the campaign period so that there would be no perceived or actual conflict. This requirement would apply to state, municipal and county government offices. Councilmember Jensen felt that requiring leave for campaigning for offices outside of City government was unnecessary. Ms. Russell noted that it would be a case-by-case review. Councilmember Jensen would be open to discuss this topic further and would like to know what other cities require.

- Personnel Code Article 2 Section 10: Employment of Relatives and P131 Section 3D: Nepotism Restrictions. Language is similar in both documents. Some language was added into P131 to include step-children/step-siblings.

Councilmember Jensen inquired about the process for promotion if siblings worked together directly. Ms. Russell noted that siblings or spouses are not allowed to be in the same department division or the same shift.
• Personnel Code Article 2 Section 11: **Multiple City Positions by One Employee.** This language is also covered in Administrative Rule and Regulation (ARR) 125: **Multiple City Positions.** Ms. Robertson noted the language is fairly straightforward in both.

Councilmember Jensen inquired about the balance between the workload of a vacant position amongst remaining employees. Ms. Russell noted that there is another section that will be reviewed at a later time, which discusses out-of-class pay for additional duties that have been assigned to an employee to make up for that pay differential.

• Personnel Code Article 2 Section 12: **Solicitation** and P131 Section C(3)(b). Additional language to is included in P131 to cover gambling.

Councilmember Jensen inquired if this policy would prohibit employees from bringing a fundraiser form for their child to work. Ms. Russell noted that it would prohibit employees from participating in said activity in the work space during work time. However, it would be acceptable for an order sheet to be placed in an employee break room for other staff to view during breaks. However, sending mass electronic communication to other staff would be prohibited.

Councilmember Coen inquired if Governing Body members were currently violating this policy when members discussed and encouraged the community to participate in charitable events during Governing Body Meetings. Ms. Robertson indicated that these rules did not directly apply to Governing Body members, but rather employees. Ms. Robertson also noted that during the announcement time, Governing Body members were more or less providing information about community events and not soliciting.

• Personnel Code Article 2 Section 13: **Work Breaks.** There is a provision contained in the P133 **Time and Attendance** that covers this subject more in depth. In the Personnel Code, there is currently no definition of a “work break”, (for example, fifteen minutes in the morning and fifteen minutes in the afternoon). Ms. Robertson suggested adding that language in the updated document.

Councilmember Jensen inquired how to balance the language found in the policy with what is found in the bargaining unit contracts. Ms. Russell noted that in both cases, parameters are set for the fifteen minute breaks to be paid; but any time taken away from duties longer than fifteen minutes would be considered part of the lunch break or would require a leave request. Councilmember Jensen inquired about smoking breaks.
Ms. Russell noted that those individuals would be required to smoke during those
designated work breaks.

- Personnel Code Article 2 Section 14: Alcohol and Drug Use in the Work Place. This
  section contains fairly standard language. However, ARR 128 Drug and Alcohol Free
  Workplace contains much more specific language related to this topic.
  Councilmember Jensen inquired about the language for employees who are subject to
  call-backs. Ms. Russell noted that parameters related to call-backs/stand-by are
  outlined in bargaining unit agreements.

Councilmember Coen inquired when drug and alcohol testing occurs. Ms. Russell
replied that testing takes place pre-hire. CDL holders and police have random testing.
Fire has post-accident testing.

- Personnel Code Article 2 Section 15: Attitude, Smoking, Attire. The language in this
  section is reflected in P131 Section 2 Professional Integrity, P112 Food and Beverage,
P128 Smoke and Tobacco Free Workplace, and P106 Work Attire-Personal
  Appearance

Councilmember Jensen inquired about a perceived bad attitude by specifically a police
officer and what the language would be in the bargaining unit. Ms. Russell stated
those provisions were covered in the bargaining unit agreements.

Councilmember Coen noted that the styles of today have changed from years ago and
something considered abnormal or inappropriate before may now be considered
normal or not as taboo. Councilmember Coen inquired how this language could be
changed to address this topic. Ms. Russell noted that this may be something that could
be left up to the Department Director. A provision found in P106 notes that
Department Directors have the discretion to alter or relax some of the requirements.
An emphasis is placed on a neat appearance rather than specific modifications such as
hair color, piercings, and body art.

Councilmember Coen inquired about potential language that could be added with
regard to unnatural hair coloring, body piercings, and tattoos. Jacque Russell noted
that the current language tries to allow Department Directors to set the specific dress
attire; however it is more focused on a neat appearance rather than hair color, etc.
Councilmember Jensen inquired about how women’s current fashion is discussed or
defined within the code. Ms. Russell noted that the definitions are meant to be as
gender neutral as possible. Examples of language were provided.
Councilmember Jensen inquired about what language is used to refrain from being gender biased with regard to women’s fashion. Ms. Russell noted that language and examples included in the policy were non-gender specific and also emphasized modesty and a neat appearance.

- Personnel Code Article 2 Section 16: Patents and Copyrights. There is no corresponding policy or ARR, but Ms. Robertson noted that additional language may need to be added or that the subject may need to be addressed in the Municipal Code.

Councilmember Jensen noted that in the private sector, if someone creates something, it belongs to the employer and not the individual.

Ms. Russell noted that perhaps this was section was implemented for the purpose of introducing guidelines for employees to ensure that the City, specifically media and communications, were appropriately citing proprietary information on materials produced.

- Personnel Code Article 2 Section 17: Outside Employment and P131 Section 4(C) Conflict of Interest.

Councilmember Coen inquired if there were any provisions speaking to an employee who has a second job with a company that is contracted with the City. Ms. Robertson noted that there were provisions in the Conflict of Interest provision that would cover this and stated that as long as an employee was not directly benefiting from said position, there would likely not be a problem.

Councilmember Jensen inquired if more information with regard to conflict of interest could be codified. Ms. Robertson noted that most of this type of information is found in state statutes, as well as the proposed Conflict of Interest policy.

- Personnel Code Article 3 Section 1: Employee Development, Health and Safety. ARR 104 Tuition Reimbursement and ARR 127 Training and Development, provide more detailed information about the tuition reimbursement processes and continued training and education for employees both in-house and through outside sources.

Councilmember Jensen inquired if there was a required amount of time that an employee must stay with the City if said employee was receiving financial reimbursement assistance. Councilmember Coen also voiced a concern for this topic. Ms. Russell noted that there was currently no provision requiring a length of stay.
- Personnel Code Article 3 Section 2: Employee Health. This is a prime example of an outdated provision. Staff created ARR 126 Occupational Health Program, ARR 105 Fitness for Duty, and ARR 101 Temporary Assignments to provide more accurate information on current practices, including additional definition and more specific language.

Councilmember Jensen inquired if family members of employees were covered by these provisions. Ms. Russell noted that the Occupational Health program was created for employees and their ability to perform specified job duties. Ms. Robertson noted that there is an Employee Health Care Plan that will be discussed at a later meeting.

- Personnel Code Article 3 Section 3: Employee Safety. This section addresses safety regulations and required safety gear. P111 Employee Management, Employee Safety, and Building Security provides greater detail. Pages 2 and 3 of P111 relate to the Employee Safety aspect referred to in the Personnel Code.

Councilmember Jensen inquired about a policy that would require escorts for guests in City buildings. Ms. Robertson noted that provisions related to guests in city buildings are found in the Building Security section of P111. Councilmember Jensen noted he would like to see a requirement placed on staff to escort visitors in non-public areas within City buildings.

Councilmember Coen inquired if there had been prior discussion regarding hand guns in the workplace. P101 Concealed Guns in the Workplace discusses this and is part of the discussion. Councilmember Coen inquired about when this subject was last discussed. Catherine Walter, Sr. Assistant City Attorney, noted that some of the amendments that pertained to exemptions of guns within the workplace expired in 2018, and prompted the update in February 2019.

- Personnel Code Article 3 Section 4: Group Insurance. This is another prime example of an outdated provision. ARR 106 Employee Healthcare Benefits provides a more robust description of actual practice to include Employee Healthcare Advisory Committee, which was formed in 2012.

Councilmember Jensen inquired about adult children who are covered by their parent’s employee insurance plan. Ms. Russell noted that under the regulations, children are not tested for the wellness incentive plan and only spouses are required to participate in the testing under the wellness regulations. Councilmember Jensen inquired if a change to the language would be beneficial or necessary to require adult children to follow the same health guidelines as other adults. Ms. Russell stated that
those proposed changes could only occur after the Federal Affordable Care Act and HIPPA regulations were removed.

For the May 10th meeting, staff will follow up on items discussed at this meeting, and will present Articles 4, 5, and 6 of the Personnel Code and the City policies and ARRs that cover the information contained in the 1991 Code.

4) Other Items Before the Committee
No other items.

5) Adjourn
Councilmember Jensen made a motion to adjourn the meeting. Councilmember Coen adjourned the meeting.

The Policy & Finance Committee will meet next on May 10 at 9:00am in the Holliday 1st Floor Conference Room at the Holliday Building 620 SE Madison

Video of this meeting can be found at: https://youtu.be/nwC8VEOveDY