

**BILL NO. 22-24**

**ORDINANCE NO. 2175**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING SECTIONS 117.370, 117.430, 117.230 OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL BY DELETING IT IN ITS ENTIRETY; ENACTING NEW SECTIONS 117.370, 117.430, 117.230;**

**WHEREAS**, on February 2, 2022, pursuant to Ordinance No. 2162, the Board of Aldermen adopted a Personnel Policies and Procedures Manual (the “Manual”); and

**WHEREAS**, the Board of Aldermen desire to amend the Manual to change provisions relating to Family and Medical Leave; and

**WHEREAS**, the Board of Aldermen desire to amend the Manual relating to employees Reporting to Work; and

**WHEREAS**, the Board of Aldermen desire to amend the Manual to add Juneteenth National Independence Day as an employee holiday

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Section 117.370 of the Personnel Policies and Procedures Manual adopted pursuant to ordinance No. 2162 be and is hereby deleted in its entirety, and replaced, in lieu thereof, with the following:

**Section 117.370: Holidays**

A schedule of holidays to be observed during each calendar year is, as follows:

- New Year’s Day
- Martin Luther King Day
- President’s Day
- Memorial Day
- Juneteenth National Independence Day**
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- The Day following Thanksgiving Day
- Christmas Eve
- Christmas Day
- Personal Holiday\*

To receive holiday pay, the employee must work the regularly scheduled workday before and after the holiday, unless such absence is approved in advance by the employee’s

supervisor. An employee will not be paid for the holiday if it follows or precedes a sick day, unless holiday pay is approved by the City Administrator. A paid holiday, including a personal holiday, does not count as a day worked in calculating overtime for the week.

When a holiday falls on Sunday, the following Monday will be observed as the holiday. If a holiday falls on Saturday, the preceding Friday will be observed as the holiday. Holidays that fall on an employee's regularly scheduled day off may be taken at another time, within one (1) year of the holiday, as an additional vacation day. Holidays that occur during an employee's pre-approved sick leave will be counted as holidays, not sick leave days.

Special assignment employees, part-time employees and employees on unpaid leaves of absence or who have been laid-off, are not eligible to receive holiday pay. Part-time employees shall receive one (1) Personal Holiday per calendar year.

\*The Personal Holiday can be taken at any time during the calendar year, subject to advanced authorization, approved by the employee's supervisor. A Personal Holiday is considered to be eight (8) hours and must be taken in an eight (8) hour increment.

**SECTION 2.** That Section 117.430 of the Personnel Policies and Procedures Manual adopted pursuant to ordinance No. 2162 be and is hereby deleted in its entirety, and replaced, in lieu thereof, with the following:

**Section 117.430: Family and Medical Leave**

The City recognizes that a leave of absence from active employment may be necessary for family or medical reasons. The following leave of absence policy complies with the provisions of the Family and Medical Leave Act of 1993 (FMLA).

**a. Eligible Employees**

Employees eligible for family and medical leave are those who: (1) have been employed for at least twelve (12) months; and (2) have worked at least 1,250 hours during the previous twelve-month period.

FMLA leave may be taken for any one, or for a combination, of the following reasons: (a) the birth of the employee's child or to care for the newborn child; (b) the placement of a child through adoption or foster care; (c) to care for the employee's spouse, child, or parent (but not in-law) suffering from a serious health condition, where the employee is needed to care for such person; and (d) the employee's own care, provided the employee suffers from a serious health condition that renders the employee unable to perform any essential functions of his/her position.

A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

**b. Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures. The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

**c. Length of Leave**

An eligible employee may be entitled to up to twelve weeks of unpaid leave within a twelve-month period without loss of seniority or benefits. An employee who fails to return to work immediately following expiration of the authorized leave period will be considered to have voluntarily resigned. All leave taken under this policy and leave for any other reason which would qualify under FMLA, namely, workers' compensation leave, is counted against the employee's leave entitlement under FMLA.

**d. Substitution of Paid Leave for Unpaid Leave**

During a family or medical leave provided under this policy, an employee shall first exhaust all accrued pay before continuing such leave on an unpaid basis. During a leave related to the employee's serious health condition, the employee shall also exhaust any available paid personal leave or short-term disability pay before continuing such leave on an unpaid basis.

**e. Employee Certification**

If an employee takes a leave of absence because of the serious health condition of the employee or the employee's family member, the employee must submit to the Human Relations Manager written medical certification of the serious health condition from a health care provider. Failure to provide such certification upon request may result in a denial or delay of leave. The City reserves the right to require that the employee receive a second (and possibly a third) opinion from another health care provider (at the City's expense) certifying the serious health condition of the employee or the employee's family member. The City reserves the right to require that an employee periodically provide the City with re-certification of the medical condition for which leave is taken.

Before returning to work, an employee who is on leave of absence because of his or her own serious health condition must submit a health care provider's written certification that the employee is able to return to work. Failure to provide such certification may result in the delay or denial of job restoration.

During the employee's leave, the City may also periodically inquire as to the employee's intent to return to work.

**f. Intermittent or Reduced Leave**

Leave taken because of the employee's or family member's serious health condition may be taken on an intermittent or reduced schedule basis when medically necessary. If an employee seeks leave

on an intermittent or reduced schedule basis, the employee must submit medical certification, as discussed above, and additional certification from the health care provider that the intermittent or reduced schedule leave is medically necessary. The City may require an employee taking intermittent or reduced schedule leave to transfer temporarily to an alternative available position for which the employee is qualified or may modify the employee's current position to better accommodate the employee's recurring periods of leave. To the extent the employee can return to work but requires light-duty, please see Section 117.350 for terms and conditions relating to light-duty work.

**g. Job Restoration**

Upon return from family or medical leave in accordance with this policy, the employee will be returned to the same or an equivalent position with no loss in benefits, which accrued prior to the leave of absence. An employee who does not return to work at the end of an authorized leave will be considered to have voluntarily resigned. As a condition of restoration under this policy, employees may be required to provide a certification from the employee's health care provider stating that the employee is able to resume work and is fit for duty.

**SECTION 3.** That Section 117.230 of the Personnel Policies and Procedures Manual adopted pursuant to ordinance No. 2162 be and is hereby deleted in its entirety, and replaced, in lieu thereof, with the following:

**Section 117.230: Reporting to Work**

If an employee is going to arrive late to work, that employee must contact their supervisor/City Administrator prior to the employee's start time.

During emergencies, when the public welfare so requires, or in other necessary circumstances, the City Administrator may close the City offices. Should the City Administrator decide to close the City offices for a non-weather related reason, he/she shall first obtain the concurrence of the Mayor or the Board of Aldermen Acting President. During inclement weather that does not constitute an emergency, the City Administrator may either close City Hall or declare it open under an inclement weather schedule, such schedule to be established by the City Administrator from time- to-time.

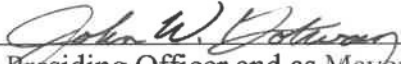
If the City Administrator closes City Hall due to inclement weather or emergency, the City Administrator may direct staff to work remotely as appropriate. Staff required for city maintenance or emergency services may be required to report to work as directed by the City Administrator. Any staff unable to work remotely or required to report to work shall be compensated for any missed scheduled work hours.

**SECTION 4. Savings Clause:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**SECTION 5. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 6. Effective Date:** This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this 16<sup>th</sup> day of March, 2022.

  
As Presiding Officer and as Mayor

Attest:

  
City Clerk

Approved this 16<sup>th</sup> day of March, 2022.

  
Mayor

Attest:

  
City Clerk