

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTIONS 110.290 MAYOR AND BOARD OF ALDERMEN-BENEFITS; SECTION 125.030 - A.2. GENERAL PROVISIONS: NON-COVERED PARTIES; SECTION 125.030 - K.6 GENERAL PROVISIONS: NEPOTISM; SECTION 125.120 - B. ATTENDANCE AND LEAVES: ANNUAL VACATION LEAVE; SECTION 125.120 - E.9. ATTENDANCE AND LEAVES: OCCUPATIONAL LEAVES: HOLIDAYS, AND SECTION 125.240.A. OTHER EMPLOYEE BENEFITS – INSURANCE AND SECTION 125.240.C. RETIREMENT PLANS.

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

Section 1. Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

Section 2. Section 110.290 **Mayor and Board of Aldermen — Benefits.**

The Mayor and Board of Aldermen shall receive retirement benefits, **health, dental, and vision benefits**, and 125 Medical Reimbursement, **in the same manner as offered to full-time employees as applicable by law**, as they become qualified under the law.

The Mayor shall receive compensation in the amount of ~~five thousand dollars (\$5,000.00)~~ **Ten Thousand Dollars (\$10,000)** per year plus ~~one hundred dollars (\$100.00)~~ **two hundred dollars (\$200.00)** per meeting. Board of Aldermen members shall receive compensation in the amount of ~~two thousand four hundred dollars (\$2,400.00)~~ **Four Thousand Eight Hundred Dollars (\$4,800)** per year plus ~~seventy five dollars (\$75.00)~~ **one hundred fifty dollars** per meeting.

Section 3. Section 125.030 **General Provisions.**

A. Non-Covered Parties.

1. Volunteers, elected officials, police reserves, contractual, intermittent, seasonal, temporary, and PRN employees are not covered by these rules unless specifically included.
2. Appointed officials are not covered by these rules except as ~~they are covered~~ under **the following sections: Sections 125.020, 125.030, 125.035, 125.050, 125.200 and 125.210 through 125.240.** The Board may provide additional benefits to appointed officials **upon Board action.**
 - a. **125.010 Adopted – Purpose – Departmental Regulations.**
 - b. **125.015 Actions of Board – Copies of Rules and Regulations.**
 - c. **125.020 Definitions.**
 - d. **125.025 Policy Closing All Individually Identifiable Personnel Records.**
 - e. **125.030 General Procedures.**
 - f. **125.035 Reporting and disposition of Criminal Charges.**
 - g. **125.050 Pay and Compensation.**

h. 125.060 Criminal Background Checks For City Employment.

i. 125.120 Attendance and Leaves.

j. 125.200 Employee Health and Safety.

k. 125.210 Harassment.

l. 125.220 Alcohol, Drug, and Controlled Substance Abuse.

m. 125.230 Supplemental Policies.

n. 125.240 Other employee Benefits.

o. 125.250 Defense and Indemnification.

K. Nepotism. In addition to any restrictions or prohibitions placed upon the employment of relatives by the Missouri Constitution, the following guidelines are set in place:

1. Persons related to an elected official of the City shall not be employed by the City during the tenure of said elected official unless the employment precedes the election.
2. Persons related to an appointed official or any member of the management team, as defined within Chapter **125**, shall not be employed by the City in any department during the tenure of said appointed official or management team member. This Section shall not apply to persons employed by the City in their positions as of August 15, 2014.
3. Persons related to each other shall not be employed by the City in the same department. This shall apply to all City employees. For purposes of this Section, employees working within the departments of Law Enforcement, 911 Center, and Ambulance shall be considered as working within one (1) department and employees working within the Public Works Department, all employees under the direction of the Public Works Director, shall be considered as working within one (1) department.
4. For purposes of determining the applicability of this Section to candidates for employment by the City, the term "related" shall be defined to include any relationship by blood or marriage within the fourth degree.
5. Every employee shall promptly disclose to the City Administrator any relationship covered under this Section. The failure of any employee to make this disclosure in a prompt and timely manner shall be a violation of Sections **125.150(B)(1)** and **(16)** of this Code and will be subject to discipline under this Code.
6. In the event that the City Administrator considers a waiver of any of these rules under Section **125.030(K)** concerning nepotism to be in the best interest of the City, the City Administrator shall refer the matter to the Board of Aldermen for its consideration in a closed session of the Board after proper notice pursuant to Section 610.021.3, RSMo. **The Board of Aldermen may vote to grant a waiver of these rules under Section 125.030 (K) if it is in the best interest of the City and does not violate Article VII, Section 6 of the Missouri Constitution and any other constitutional provisions, statute, or ordinance.**

L. Gender. When any subject matter, party or person is described or referred to by words imparting the masculine or feminine, the other sex shall be deemed included.

M. Secondary Employment. In order to ensure the integrity of public service, to reduce conflicts of

interest, reduce risks to the City and public health and safety, and to ensure proper and efficient use of public resources, the City finds it necessary to govern all secondary employment. Denial of secondary employment may be appealed under Section **125.170**. Refer to Secondary Employment Policy dated 08/03/2017.

Section 125.120 Attendance and Leaves.

- A. Attendance. Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees, which shall be reported to the City Administrator in the form and on dates specified. Employees that are absent after exhausting all leave balances will be subject to disciplinary action up to and including termination. Failure on the part of an employee, absent without leave, to return to duty within twenty-four (24) hours may be grounds for immediate discharge.
- B. Annual Vacation Leave. The purpose of annual vacation leave is to enable each eligible employee to return to his/her work mentally refreshed. All full-time employees in the classified service shall be granted annual vacation leave with pay. ~~Probationary employees who have served less than one (1) year in the service of the City may not take vacation leave; however, vacation credits for the time so served shall be granted to each probationary employee who receives full-time employment.~~

1. Full-time employees shall receive vacation credits at the following rates:

Years of Service	Vacation Earned
0 – Beginning of Full-time Employment	1 x Standard Workweek, Excluding Overtime
1 Year	1 x Standard Workweek, Excluding Overtime
2 Years – 4 Years	2 x Standard Workweek, Excluding Overtime
5 Years – 9 Years	3 x Standard Workweek, Excluding Overtime
10 Years – 14 Years	4 x Standard Workweek, Excluding Overtime
15 Years +	5 x Standard Workweek, Excluding Overtime

- ~~a. Full-time employees with more than one (1) year of continuous service shall receive one (1) times the number of hours in a standard workweek, excluding overtime.~~
- ~~b. Full-time employees who have between two (2) years of continuous service and eight (8) years of continuous service shall receive two (2) times the number of hours in a standard workweek, excluding overtime.~~
- ~~c. Full-time employees who have more than eight (8) years of continuous service and up to fourteen (14) years of continuous service shall receive three (3) times the number of hours in a standard workweek, excluding overtime.~~
- ~~d. Full-time employees with more than fourteen (14) years of continuous service shall receive four (4) times the number of hours in a standard workweek, excluding overtime.~~
2. Vacation is granted at the end of each year of service, **excluding vacation time credited at the time**

of hire to be used within the first year of full-time service. Therefore, For example, vacation earned awarded for the first (1) year of service, 1 x Standard Workweek, Excluding Overtime, not belong belongs to the employee and available on their first (1) year of service date to the employee until the end of the year, on the first day of the second year. The employee will be credited with appropriate hours of vacation after each year of uninterrupted service as outlined hereinabove. The vacation leave granted for the previous year must be used prior to the end of the year when it is granted or the employee forfeits all rights to use or ownership. Also, see subparagraphs (3) and (4) below.

3. The times during a calendar year at which an employee may take his/her vacation shall be determined by the department manager with due regard for the wishes of the employee and particular regard for the needs of the service. If the requirements of the service are such that an employee cannot take part or all of his/her annual vacation in a particular service year, such vacation shall be taken during the following service year. Length of service shall be used to resolve conflicts over vacation period between employees of the same class. Also, see Subsection (A) hereinabove and subparagraph (4) herein below.
4. No employee may accrue more vacation leave than could be earned in twelve (12) months of service without written permission of the department manager and the City Administrator. If employee is hospitalized while on vacation, those days will be charged to available personal leave with approval of the City Administrator or department manager.
5. In the event one (1) or more municipal holidays fall within an annual vacation leave, such holiday shall not be charged as vacation leave; and the vacation leave shall be extended or credited accordingly.
6. Employees who have satisfactorily completed probation and completed at least one (1) year of service, and who terminate employment shall be paid in a lump sum for all granted vacation leave earned, but not used or forfeited, prior to the effective date of termination.
7. Employees with ~~fourteen (14)~~ Ten (10) or more years of continuous service may, at their option, exchange request to be paid-out up to one (1) week of available vacation balance at employee's current hourly/salary rate for up to one (1) week's wage/salary in lieu of using said available vacation credit. Requests shall be made in writing to the HR Generalist, and approved by employee's department manager, at least two (2) weeks prior to desired payroll date for pay-out.

E. Occupational Leaves.

9. Holidays.

- a. The holidays to be observed by full-time employees except shift workers are:

(1) New Year's Day.

(2) Dr. Martin Luther King, Jr. birthday.

~~(2)~~(3) Presidents' Day.

~~(4)~~(4) Memorial Day.

(5) Juneteenth.

~~(5)~~(6) Independence Day.

~~(6)~~(7) Labor Day.

(8) Columbus Day.

~~(7)~~(9) Veterans Day.

~~(8)~~(10) Thanksgiving Day.

~~(9)~~(11) Friday after Thanksgiving.

~~(10)~~(12) Christmas Eve.

~~(11)~~(13) Christmas Day.

(14) Any Monday immediately preceding a City holiday which falls on a Tuesday.

~~(12)~~(15) Any Friday immediately following a City holiday which falls on Thursday.

- b. All full-time employees of the City shall receive normal compensation for the legal holidays listed above and any other days or part of a day during which the public offices of the City shall be closed. All full-time employees shall receive eight (8) hours holiday pay except ambulance personnel, 911 dispatchers, and law enforcement patrol officers will receive twelve (12) hours, and airport employees will receive eight (8) or ten (10) hours depending on the airport **workweek** hours. Probationary employees shall be considered for purposes of this Section to be full-time employees.
- c. It shall be the policy of the City to ensure that all full-time employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by employees when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. In such years when Christmas Day falls on a Saturday, affecting the observance of the Christmas Eve holiday, the preceding Thursday and Friday shall be observed as the Christmas Eve and Christmas Day holidays respectively. In such years when Christmas Eve falls on a Sunday affecting the observance of the Christmas Day holiday, the ~~preceding Friday~~ **following Monday and Tuesday** shall be observed as the Christmas Eve holiday, ~~and the following Monday shall be observed as the~~ **and** Christmas Day holidays **respectively**.
- d. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall:
 - (1) Receive a day off at his/her regular pay rate in lieu of the holiday missed; or
 - (2) At the option of the City he/she may be compensated at the City's approved overtime rate for his/her service on the regularly scheduled holiday. The recommendation for payment must be recommended for approval by his/her ~~appointed official~~ **department manager** and approved by the City Administrator.
- e. Shift Workers. Due to difficulty in scheduling, shift workers shall receive the same number of paid hours, credited as special leave, as other City employees receive in holiday hours. The hours of special holiday leave will be credited to each employee's holiday leave bank after each holiday is observed. No shift worker may carry over more than twenty-four (24) hours of holiday leave from one (1) calendar year to the next; requests for carryover must be in writing. All hours of holiday leave not used or carried over shall be paid for on a special paycheck in December of each year. Upon separation, any accumulated or approved carryover holiday leave hours shall be paid to the employee.

Section 125.240 **Other Employee Benefits.**

A. *Insurance.*

1. The City provides the following insurance benefits to full-time employees without cost: health, 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 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. *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 the employee's account. The City will provide up to an additional ~~one percent~~ **Three-Percent (3.0%)** 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%)~~ **Three-Percent (3.0%)**, which may be in one-half-percent **(0.5%)** increments. There is a five-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 6. After passage by the Board of Aldermen ***Section 2 Section 110.290 Mayor and Board of Aldermen — Benefits*** of this Ordinance will be in full force full force and effect as each term is renewed following the municipal elections.

Section 7. After passage by the Board of Aldermen and approval of the Mayor, Sections 3 thru 5 of this Ordinance shall be in full force and effect on January 1, 2024.

READ FIRST TIME: November 2, 2023

READ SECOND TIME: November 16, 2023

I hereby certify that Ordinance No.23.80 was duly passed on November 16, 2023, 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.

NOV. 16. 2023

Date

Tara Berreth

Tara Berreth, City Clerk

Approved as to form:

CB

Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.80

Michael Harmison

Michael Harmison Mayor

NOV. 16. 2023

Date

Tara Berreth

Tara Berreth, City Clerk