

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 125 HUMAN RESOURCES SYSTEM (PERSONNEL) RULES AND REGULATIONS; SECTION 125.160 SEPARATION FROM SERVICE AS SET FORTH.

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 amendments as set forth below with new material set out in **RED** follows:

Section 125.160. Separation From Service.

A. *Termination.* All non-probationary employees in the classified service may be terminated for cause at any time by the City Administrator. An employee who has been terminated shall be furnished a written statement of the reasons for such action and shall be entitled to a hearing if he/she so requests, as provided in these rules.

1. **Severance Pay and Agreement.**

a. **If the City Administrator determines it is in the City's best interests to enter into a severance agreement with a terminated employee, the City Administrator shall document the reasons therefor in the employee's file. Such reasons may include, but need not be limited to: the need for post-employment cooperation or services from the terminated employee, release of liability, and/or confidentiality.**

b. **All such agreements shall be in a form acceptable to the City Attorney.**

c. **All such agreements with non-appointed employees must be approved by the City Administrator where the total cost to the City of such pay and/or benefits is within the City Administrator's purchasing authority under City Code § 135.040(B). Agreements providing for amounts exceeding that authority shall require Board approval.**

d. **All such agreements with appointed officials shall require Board approval.**

B. *Reduction In Force And/Or Hours.* Under certain circumstances, it may be necessary to eliminate employee positions or reduce hours due to budgetary needs, program reductions, reorganization, changes in needs or technology, or other business needs. The City Administrator may, after appropriate work analysis and assessment, eliminate position(s) through a reduction in force or institute a reduction in hours of a position(s) due to necessity. Reduction in force may impact any employee, and terminations/layoffs of employment may be a result of the decision.

1. *Reduction In Force.* A "reduction in force (RIF)" is defined as a separation from employment due to the elimination of a position within a unit or department with the expectation that said position(s) are to be eliminated.

- a. Employee(s) affected may be offered a transfer to an open position, upon meeting the qualifications and job requirements of said position offered, to prevent or postpone a termination.
 - b. Selection of employee(s) to be laid off shall be based on the needs of the City, job function, and performance.
 - c. Notification of the reduction in force and stated layoffs to the employee(s) shall be written and given as far in advance as practical and in no case less than sixty (60) calendar days of the effective date.
 - d. Employees eligible for rehire shall be placed on the employment list for up to eighteen (18) months and shall have priority hiring status. Employees shall be recalled in order as they were placed on the employment list and per job qualifications.
 - e. Employees reinstated within eighteen (18) months following the notification of said layoff may retain any unused or unpaid benefits accumulated prior to being laid off and waiting periods regarding insurance and retirement benefits, if any, per compliance with contractual agreement and laws at that time. The employment date will be reinstated to the original hire date. No leave benefits or time in grade accrues while in the laid-off status, but vacation and personal accrual rates will be assigned accordingly.
 - f. Severance Pay And Agreement. Eligible employees shall receive severance pay based on years of service upon signing a separation agreement within an applicable time frame which shall include the provision for separation, required release of claims, and applicable terms and conditions.
 - (1) Severance pay for employees who are terminated due to a reduction in force shall be paid equivalent to one (1) week of every year of service, not to exceed twelve (12) weeks but no less than two (2) weeks.
 - (2) Additionally, employees shall receive compensation for their accrued vacation hours and comp time hours (non-exempt). In addition, seventy-five percent (75%) of accrued personal hours shall be converted to 401A retirement dollars.
 - (3) Upon termination all severance pay due shall be paid on the next regular payroll.
2. Reduction In Hours. A reduction in hours is defined as the reduction in the number of hours worked per week for any position within a unit or department with the expectation that the said reduction is not temporary in nature.
 - a. Employee(s) whose hours are reduced due to a reduction of hours to no less than eighty percent (80%) of their regular hours worked per week shall retain the benefits which they were entitled to prior to the reduction of hours.
3. Exclusions. Term-limited positions where the duration of the position is defined at the time of hire does not apply as outlined in this Section 125.160(B).

C. Resignation.

1. An employee wishing to leave the classified service in good standing shall file with the City Administrator through his/her department manager a written resignation stating the effective date, at least two (2) weeks before leaving the service, unless such time limit is waived by the City Administrator. Failure to give notice as required by this Section shall be cause for denying future employment by the City.
2. If the employee provides two (2) weeks' notice and the City chooses not to use the services of the employee for those two (2) weeks, the employee shall receive compensation for that two (2) week period as per their normal work schedule.
3. Additional notice for management team; incentive. Due to the critical position they occupy in the City's management structure, the City requests the following officials provide additional notice prior to resigning. Any covered employee providing the additional notice requested herein shall receive the severance payment described below. If the employee provides the requested notice and the City chooses not to use the services of the employee for that period, the employee shall receive compensation for that period in addition to the severance payment.
 - a. The City Administrator is requested to provide six months' notice in exchange for a severance payment of four weeks' salary.
 - b. Appointed Officials and the Assistant City Administrator are requested to provide three months' notice in exchange for a severance payment of two weeks' salary.
 - c. Other department managers (Human Resources, Information Technology, Parks, Airports) are requested to provide one month's notice in exchange for a severance payment of one week's salary.

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 judgment 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 3. 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 of the Mayor.

READ FIRST TIME: April 17, 2025

READ SECOND TIME: May 1, 2025

I hereby certify that Ordinance No.25.37 was duly passed on May 1, 2025, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 5

Nays: 0

Abstentions: 0

Absent: 1

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

May 1, 25
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

C. Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No.25.37.

Michael Harmison
Michael Harmison, Mayor

May 1, 25
Date

Tara Berreth
Tara Berreth, City Clerk