

June 30, 2011

**CITY OF FERGUSON  
OFFICE OF THE CHIEF OF POLICE**

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**COMPENSATION AND BENEFITS**

**210.00 PURPOSE**

The City of Ferguson offers a wide range of benefits for full time employees. Officers may also elect to enroll dependents for medical and dental insurance coverage.

**210.01 COMPENSATION**

**A. Compensation**

The City Manager shall maintain the City's Classification and Pay Plan adopted by the City Council, recommend appropriate amendments thereto as the need arises, and recommend to the Council at or prior to submission of each annual budget whether the rate of pay contained in the pay plan and the compensation of employees not covered by the pay plan should remain unchanged, be increased or be decreased for the next fiscal year, all to the end that all positions in the City service requiring similar qualifications and having similar duties and responsibilities are equally compensated.

All positions covered by the Classification and Pay Plan shall be assigned a Classification Plan Grade Number by the City Council.

The compensation of paid emergency, seasonal, temporary and part-time personnel not covered by the Pay Plan and whose compensation has not been specifically set by the Council is to be established as the rate of pay prevalent in the area for the type of work performed at the time the work is performed, as determined by the City Manager.

A new employee of the City shall be paid the beginning rate shown in the schedule allocated to his class of employment. At the request of the Department Head under whom the employee shall work, and with the approval of the City Manager, a new employee may be placed at a higher rate of pay depending upon the employee's qualifications and the availability of budgeted funds.

B. Compensation Time

All employees who are declared as non-exempt employees under the Fair Labor Standards Act shall be eligible for compensatory time in lieu of overtime pay when the employee's scheduled work hours exceed his established standard, work period hours.

The City may grant compensatory time off in lieu of overtime pay at the request of the employee, provided that the operations of the City would not be unduly disrupted due to the employee's absence from employment and an individual agreement has been obtained from the employer to pay compensatory time instead of overtime.

Employees whose work regularly involves public safety, emergency response, or seasonal activities shall be subject to a 480-hour compensatory time accrual limit for FLSA overtime hours.

C. Overtime

1. All non-exempt positions:

a. Positions classified as non-exempt are subject to the overtime provisions of the Fair Labor Standards Act (FLSA). Human Resources shall make a determination of exempt status in accordance with the FLSA, with the approval of the City Manager.

b. Overtime pay shall be at 1 ½ times an employee's hourly rate.

c. No employee shall be permitted to work in excess of his normal work schedule except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City. All overtime shall be approved in advance by the employee's supervisor.

d. The City will not pay an employee for any overtime that has not been previously approved by his supervisor.

2. Non-exempt, non-shift positions;

a. Non-exempt, non-shift employees in full-time positions shall be paid overtime for any hours worked beyond their normal 40-hour workweek schedule.

b. Non-exempt employees in part-time and temporary/seasonal positions shall be paid overtime for any hours worked over 40 hours in a workweek.

3. Non-exempt, shift positions:

a. For the Police Department, overtime is all hours worked in excess of their regular scheduled hours in a two week pay period.

b. Departments may develop separate administrative policies to be approved by the City Manager outlining departmental pay practices for shift employees, including overtime. In general, non-exempt, shift employees shall be paid overtime for any hours worked beyond those scheduled as part of their normal work period.

D. Residency Requirements

1. The City of Ferguson offers residency incentive pay to employees who have established permanent family living quarters at an address within the corporate limits of the City.

2. The certification requires the employee to be a full-time or permanent part-time employee scheduled to work 20 hours per week or more. Full-time employees may receive \$100 per month incentive pay and permanent part-time employees may receive \$50 per month incentive pay upon approval.

E. College Enhancements.

1. Tuition reimbursement may be granted for educational courses not to exceed nine credit hours per fiscal year, which could lead to an Associate or higher degree in the employee's field of duties.

2. Reimbursement will be granted in the amount of fifty percent (50%) for each course in which the employee attains a grade of "C" and in the amount of one hundred percent (100%) for each course completed in which the employee attains a grade of "B" or above.

210.02 BENEFITS

A. Group Medical and Dental Insurance

All full-time employees are eligible for group medical and dental insurance with the City of Ferguson's Plan. Temporary and permanent part-time employees are not eligible. Benefits begin on the first day of the next month following the employee's starting day with the City.

B. Life Insurance

A Group Life Insurance Plan is provided by the City to give basic protection to all full-time employees. Temporary seasonal and permanent part-time employees are not eligible. Employees also have a choice of two optional life insurance plans. The

optional Group Policies are available on the date the employee begins employment with the City of Ferguson.

C. Worker's Compensation

It is the policy of the City to provide City employees with injury compensation payments in compliance with the Worker's Compensation Laws of the State of Missouri. On-the-job injuries and work-related illnesses that are compensable under the law are covered by this policy.

D. Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is a professional and confidential counseling service for employee and family members paid for by the City of Ferguson. The EAP is administered through a private firm specializing in Employee Assistance Programs. The firm does not divulge information about employees who use the program and an employee who wishes to share information must sign a release of information to allow that process to occur.

210.03 LEAVE

A. Administrative Leave

1. Employees who are not covered by the Fair Labor Standards Act for overtime pay or compensatory time may request administrative leave. Administrative leave will be granted in recognition of the additional time required (evening meetings, occasional weekend work) for a management employee to properly execute his job. Duties must be performed in excess of 40 hours per week before eligibility for administrative leave granted shall be at the sole discretion of the City Manager.

2. There is no accrual of administrative leave.

3. Requests for administrative leave must be made to the City Manager. All decisions in that regard will be at his discretion. No leave request form shall be required.

B. Holiday Leave

The City observes nine (9) official holidays throughout the year:

1. New Year's Day;
2. Martin Luther King's Birthday;
3. Memorial Day;
4. Independence Day;
5. Labor Day;
6. Veterans Day;

7. Thanksgiving Day;
8. Day after Thanksgiving;
9. Christmas Day.

C. Sick Leave

1. Eligible employees shall earn sick leave time at the rate of 3.84615% of their regular scheduled annual work hours. Sick leave may not be used until after completion of the first 90 days of service.
2. Sick leave is designed to allow for time off during personal illness or injury of the employee or to care for an immediate family member.
3. If an employee does not take the full amount of sick leave allowed in any calendar year, the amount not taken may be accumulated until a maximum of six (6) calendar months have been accrued (1,040 hours/130 days or 1,456 hours/60 24-hours shifts for fire personnel). Beyond this maximum amount, no additional sick leave will accrue.
4. Sick leave may be used under the following conditions:
  - a. personal illness
  - b. illness of immediate family member – defined as spouse and child(ren) only for the purpose of this section
  - c. physical or psychological incapacity
  - d. enforced quarantine of the employee in accordance with State Health Department regulations

D. Vacation Leave

1. An employee must successfully complete his initial performance evaluation period and six (6) months of continuous service from his date of hire before vacation leave may be utilized. Vacation leave will be earned during this initial six-month period, but may not be taken. An employee who starts at a point in the year where he will not be able to complete the six-month period before the end of the calendar year shall be able to automatically carry over any earned vacation which was accrued during the six month period. All vacation which is carried over must be used during the following calendar year.
2. Annual vacations are determined by length of service and are credited as follows:
  - a. for employees hired after January 1 but before March 31, the employee will earn 5 days of vacation for the year (s)he was hired
  - b. for employees hired after April 1 but before June 30, the employee will earn 4 days of vacation for the year (s)he was hired

- c. for employees hired after July 1 but before September 30, the employee will earn 3 days of vacation for the year (s)he was hired
- d. for employees hired after October 1 but before December 31, the employee will earn 1 day of vacation for the year (s)he was hired

3. After the end of the calendar year in which the employee is hired, all full time employees who have completed their initial performance evaluation period shall be allowed vacation leave with pay to be utilized the following year at the rate of:

- a. two calendar weeks per year for employees with less than five (5) years of continuous service
- b. three calendar weeks per year for employees with 5-9 continuous years of service or more
- c. four calendar weeks per year for employees with 10-19 years of continuous service or more
- d. five calendar weeks per year for employees with 20+ years of continuous service or more

4. Eligibility for the added week of vacation provided at 5, 10 and 20 years depends upon having completed the 5<sup>th</sup>, 10<sup>th</sup> and 20<sup>th</sup> years of service prior to March 31. A calendar week of vacation is equal to 40 hours for employees working a basic 40-hour week.

E. Military Leave

- 1. Employees who serve in the uniform services of the United States will be granted a military leave of absence for a cumulative period of up to five (5) years, pursuant to Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994.
- 2. For all periods of military service during which employees are engaged in the performance of duty in the service of the State of Missouri at the call of the Governor and as ordered by the Adjutant General, the leave period without pay shall be indefinite.
- 3. Total combined paid leave for temporary annual training periods and emergency active duty periods shall not exceed 120 hours in a federal fiscal year (October 1-September 30).
- 4. Seniority and benefits based on seniority, such as pension, shall continue to accrue during the period of military leave.
- 5. Complete details regarding Military Leave may be found in the City of Ferguson's Personnel Rules and Regulations published 2009.

F. Emergency Leave (Leave without Pay)

1. A leave of absence is an extended period of time when an employee is absent from work without loss of employment. A written request for a leave of absence, providing full explanation of circumstances should be presented to the employee's immediate supervisor at least two (2) working weeks before the start date of the leave of absence. Failure to report to work on the first day after the expiration of the leave of absence, without approval, will be considered a voluntary termination of employment by the employee.
2. During the first 30 days of a leave of absence, the City shall continue to pay its portion of the insurance premiums; however the employee must pay the City in advance for his co-pay for insurance premiums. These payments must be made by the fifth day of the month during which time the employee is on an unpaid leave of absence. After the first 30 days of a leave of absence, city paid benefits will be discontinued. However, the employee may elect to continue to pay the City in advance for the continuation of insurance. Sick leave and vacation benefits will not accrue during such a leave of absence.
3. Leave without pay will only be approved after all personal holiday, vacation, and compensatory time leave balances, as well as sick leave balances (if relevant to the specific situation) are exhausted and only if department staffing permits.
4. At the expiration of the leave without pay, the employee may be reinstated to the position he vacated or to any other in the same class depending on availability and any relevant laws. During the employee's absence, his position may be filled.
5. Benefits Available: no employee sick or vacation leave will accrue during a leave without pay that extends through one (1) complete payroll period. Additionally, employees will not be paid for holidays that occur during a leave without pay. Approved leave without pay shall not constitute a break in service, subject to the provisions of the benefit plans and insurance policies. Continuation of benefits shall be determined by the City Manager, subject to the limitations of the insurance policies, on a case by case basis.

G. Funeral Leave

1. Depending on required travel, extent of family responsibility, and other circumstances, up to three (3) days of leave with pay may be granted to full-time employees to attend the funeral of an immediate family member. The number of paid days off merited by the circumstances shall be the decision of the Department Head.
2. "Immediate family" is defined as: father, mother, step father, step mother, sister, brother, step brother, step sister, spouse, child, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, grandchildren and domestic partner.

#### H. Voting Leave

1. The City of Ferguson encourages its employees to vote. Therefore, adequate time off if possible will be allowed an employee during the workday to exercise this right. If the employee otherwise will be unable to vote, he may wish to inquire of his Registrar of Voters about the possibility of voting by absentee ballot.
2. In accordance with State law, the City of Ferguson allows any person entitled to vote at any election in Missouri up to three hours of paid time off to vote. Generally, said leave shall not exceed one hour of paid time off for each Election Day.
3. An employee must request this accommodation prior to Election Day.
4. Paid time off to vote is not provided if the polls are open for three successive hours when the employee is not at work.
5. Employees exercising their rights under this policy will not be subject to any threat of discharge, penalty or discipline.

#### I. Personal Leave

1. All eligible employees who have completed their initial performance evaluation period may take two (2) days off with pay per year, which may be selected by the employee with the prior approval of the Department Head. Each day will be known as a "Personal Leave Day". However, the following employees shall not be entitled to personal leave:
  - a. any employee working a basic 40 hours work week who used more than 64 hours of sick leave during the preceding calendar year
  - b. any shift duty Police personnel who used more than 67 hours of sick leave during the preceding calendar year
2. Personal leave must be used within the same calendar year in which it was awarded. This includes the standard two (2) days plus any additional personal leave earned based upon sick leave usage. No carryover of unused personal leave will be allowed under any circumstances.

#### J. Additional Personal Leave Based on Sick Leave Usage

1. All employees eligible for vacation leave who have completed at least one full year of employment with the City of Ferguson shall be allowed additional paid personal leave based on the employee's sick leave usage during the preceding calendar year, according to the following scale:

Employee Classification	Sick Leave Hours Taken in	Additional Personal
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	Preceding Calendar Year	Leave Earned
40-Hour Employees	0	24 hours
	1-24	16 hours
	25-40	8 hours

2. Additional personal leave earned at the rates described above will be made available to the employee as of January 1 the following year.

#### 210.04 UNIFORMS/EQUIPMENT

For information on Uniforms and Equipment see *G.O. 214.00 Uniforms and Appearance*.

#### 210.05 MEDICAL EXAMINATIONS

A. Drug and Alcohol Requirements – The City of Ferguson has the public trust to provide a variety of services to the community in the most efficient manner possible. The City has an obligation to ensure public safety and to provide a safe working environment for all employees. In order to achieve these goals, it is imperative that the City ensures that all employees are able to perform their job duties safely. One requirement for employment is that an employee be free from drug and alcohol dependence and illegal drug use. The objectives of this policy are to:

1. help ensure an employee's fitness for duty as a condition of employment
2. inform applicants that drug testing is a requirement of City employment and inform employees that drug testing may be a requirement of continued employment.
3. inform employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace
4. ensure drug tests are ordered as a result of reasonable suspicion by supervisory personnel and based on observed behavior or work performance, or are ordered as a result of other requirements set out in the Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V, and amendments thereto.

The City has an Employee Assistance Program (EAP) in place, which can help current full-time and part-time employees and their eligible dependents in dealing with alcohol and substance abuse problems.

Complete details regarding "Drug and Alcohol Requirements" will be found in the City of Ferguson's Personnel Rules and Regulations, October 2009.

B. Final Candidate Selection – The individual who most closely meets all the position requirements and the needs of the City will be selected as the final candidate for employment. Final candidates selected for all full-time regular positions and most permanent part-time positions will be issued a conditional offer of employment from Human Resources after consultation with the City Manager's Office. The conditional

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offer of employment will be made with the clear understanding that the final candidate will be hired if he passes the remaining designated tests/evaluations satisfactorily which may include Drug and Alcohol Testing, Physical Exam and a Psychological Exam.

All cost associated with the procedures requested by the City are the responsibility of the City, unless otherwise stipulated.

Complete details regarding “Final Candidate Selection” and the physical examinations surrounding the “Conditional Offer of Employment” will be found in the City of Ferguson’s Personnel Rules and Regulations, October 2009.

#### 210.06 SECONDARY EMPLOYMENT

- A. Employees of the City may hold an outside job if, in the opinion of the City Manager in consultation with the appropriate Department Head, there is no conflict with working hours, there is no conflict of interest, and the employee’s job performance will not be adversely affected. All outside jobs greater than 20 hours must be pre-approved in writing by the Department Head and the City Manager in order to ensure that these conditions are met. Department Heads may further restrict outside employment due to the needs and interests of their respective departments.
- B. No employee shall use his City position for personal gain, or use any City records or information for or in connection with anything other than City employment. No aspect of the outside employment shall be performed on City time, on City premises, or while the employee is on a medical leave of absence from the City. No employee is allowed to perform outside employment in his City uniform, or with the use of any City equipment.
- C. Any injury or illness sustained in the course of outside employment will not be covered by the City’s Workers’ Compensation policy. It will be the judgment of the City’s third party administrator for Workers’ Compensation whether such injury or illness will be covered by the City’s policy or referred to the outside employer as a Workers’ Compensation case.
- D. Police officers performing off-duty services shall be governed by the procedures for outside employment established by the Chief of Police and approved by the City Manager.
- E. If an outside job adversely affects performance of the employee’s City job, the Department Head may require the employee to take whatever action is deemed necessary to eliminate further interference. In addition, depending on the situation, the employee may be subject to disciplinary action.
- F. For additional information see *G.O. 227.00 entitled Secondary Employment*.

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For additional details concerning COMPENSATION AND BENEFITS, see City of Ferguson "Personnel Rules and Regulations" October 2009.

210.07 PHYSICAL FITNESS

Law enforcement work requires a certain level of fitness. The performance of certain essential job functions, while perhaps infrequent, may be critical. The level of fitness required to perform those functions is affected by exercise, diet, tobacco usage, substance abuse, stress management and weight control. Officers are encouraged to exercise and obtain physical exams regularly.

By order of:

A handwritten signature in cursive script, reading "Colonel Thomas Jackson", enclosed within a rectangular border.

COLONEL THOMAS JACKSON  
Chief of Police

Distribution

All Department Personnel

MPCCF Reference 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7,