

1 **RESOLUTION NO. 7986**

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3 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending
4 Article I, Section 2 of Resolution No. 7758, City of Topeka Personnel
5 Code, relating to the definition of Immediate Family and specifically
6 rescinding said original section.
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8 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
9 TOPEKA, KANSAS, that City of Topeka Personnel Code, Article I, Section 2, Definitions, is
10 hereby amended to read as follows:

11 Section 2. Definitions.

12 The following words, when used in this article, shall have the meaning as prescribed
13 to them in this section unless the context shall clearly indicate otherwise:

14 A. Base Pay - Base pay (or base salary) is the hourly or bi-weekly rate of pay
15 received by an employee excluding any additional, authorized compensation
16 such as overtime, allowance, reimbursement or benefit.

17 B. Benefit-eligible - Refers to a position which is regular (continuing on a
18 year-round basis), and is approved for benefit eligibility on relevant personnel
19 schedules. A benefit-eligible position scheduled for a less than full-time
20 schedule shall be eligible for benefits on a pro-rated schedule, affecting all
21 allowable benefits for the position. A benefit-eligible position shall have
22 access to the City's full benefit program as stated herein and be covered by
23 all applicable administrative rules and regulations. Unless otherwise provided
24 by this Personnel Code, positions designated temporary or seasonal are not
25 "benefit-eligible."

26 C. Bumping - Is defined as the process under which a full-time benefit eligible
27 employee may choose to move to a lower classification in the employee's

28 class series in the event such employee is scheduled to be laid off pursuant
29 to a lay-off plan developed and approved pursuant to this Personnel Code.

30 D. Compensatory Leave - Is defined as leave which is earned at the rate of one
31 and one-half (1 ½) times the overtime hours worked.

32 E. Continuous Work Hours of Employment - Continuous hours of employment
33 refers to the number of routine working hours an employee has been in a pay
34 status subsequent to initial employment or following a promotion, transfer,
35 demotion, salary adjustment, other status change or performance review.
36 Continuous hours do not include overtime, compensatory time, or any other
37 hours worked in addition to a normal schedule (typically forty (40) hours per
38 week except for twenty-four (24) hour shift employees). Continuous
39 employment hours may be broken by absences in a non-pay status, resulting
40 in extension of eligibility for various benefits or other considerations, with the
41 length of any extension being governed by the circumstances causing the
42 non-pay status, at the discretion of the department head following a report
43 and recommendation by the Human Resources Director.

44 F. Demotion - The movement of an employee from a position in one class to a
45 position in another class having a lower maximum salary rate because of
46 disciplinary reasons, incapacity to perform work, inefficiency or unsatisfactory
47 work performance, by request of the employee, or lack of work at higher
48 class.

49 G. Department - The term "department" means a major operating functional unit
50 of the executive branch of the City government established in or pursuant to

- 51 the charter.
- 52 H. Department Head - The term "department head" means the officially
53 appointed head of any department, or an employee appointed as "acting"
54 head of any department.
- 55 I. Disciplinary Action - An action taken against an employee and which may
56 range from a verbal reprimand up to and including termination.
- 57 J. Division - A specific activity or program within the department.
- 58 K. Eligible - A person who is a qualified candidate for a position.
- 59 L. Eligibility List - A list of individuals who have qualified to fill a position in a
60 class in accordance with provisions outlined in the Civil Service Chapter of
61 this Personnel Code.
- 62 M. Employee - Generally, a person employed and paid by the City to work on a
63 regular and continuing basis.
- 64 N. Exempt - Employees who work in a bona fide executive, administrative or
65 professional capacity are exempt from the overtime provisions under the Fair
66 Labor Standard Act (FLSA), Section 13(a).
- 67 O. Immediate Family - That group of individuals defined to include one's spouse,
68 child, son-in-law, daughter-in-law, step-child, parent, step-parent, spouse's
69 parent, sibling, grandparent, grandchild, or a family member of the immediate
70 household permanently residing under the same roof.
- 71 P. Non-exempt - Those positions designated by the Human Resources Director
72 which do not meet the exemptions offered under the FLSA requiring overtime
73 payment.

- 74 Q. Outside Employment - Employment of any kind engaged in by a City
75 employee for which compensation is received from a source other than the
76 City.
- 77 R. Overtime Hours - Are defined as the total hours worked including any paid
78 leave or paid holiday which exceed the regularly scheduled hours established
79 by the department head for a work week or work period for a classification.
80 When the regularly scheduled hours exceed the FLSA limit, then overtime
81 hours shall include those regular scheduled hours in excess of the FLSA
82 limit.
- 83 S. Overtime Pay - Is defined as additional pay earned at a pay rate of one-half
84 (½) times the overtime hours worked.
- 85 T. Pay Adjustment - Change of an employee's salary without change in duties
86 or responsibilities.
- 87 U. Pay Plan - A schedule of pay ranges in hourly, bi-weekly, and annual rates
88 for each class within the City service.
- 89 V. Pay (or Salary) Range - The minimum and maximum rates of pay established
90 for each class.
- 91 W. Pay Status - Pay status denotes an employee who is receiving compensation
92 from the City either for services rendered or on an approved leave with pay.
93 Eligibility for benefits generally is contingent on being in a pay status.
- 94 X. Position - A group of current duties and responsibilities assigned or delegated
95 by competent authority, requiring the full-time or temporary employment of
96 one person.

- 97 1. Regular: A position included in the adopted annual budget that is
98 neither specified as temporary, nor limited for a period of less than the
99 budget year; also any such position established during a given budget
100 year unless the appointing authority certifies that such position will not
101 be continued in the succeeding year's budget. The term "regular"
102 does not confer upon any employee the right to retain a position for an
103 indefinite period of time.
- 104 i. Full-Time Employment: Employment in a position which
105 normally requires at least forty (40) hours work per week.
- 106 ii. Part-Time Employment: Employment in a position which
107 normally requires less than forty (40) hours work per week, but
108 continues on a year-round basis.
- 109 2. Temporary Employment: A full- or part-time position whose term of
110 employment is limited to one thousand forty (1,040) work hours in a
111 calendar year.
- 112 3. Seasonal Employment: The term "seasonal employment" designates
113 temporary work which may be full- or part-time, usually associated
114 with a specific program or purpose and for a finite period of time (such
115 as holidays, vacations, seasonal activities, etc.).
- 116 Y. Promotion - The advancement of an employee from their current position in
117 one class to a vacated position in another class with increased duties and
118 responsibilities and a higher pay range.
- 119 Z. Reclassification - The movement of an employee or position to a different

- 120 class because of a change in duties and responsibilities.
- 121 AA. Recruiting Process - The process of advertising a vacant position and review
122 of all applicants according to experience, education, training, and if
123 applicable, test score, prior to interviewing and final selection.
- 124 BB. Re-Employment List - The term "re-employment list" means a list of persons
125 who have been but are no longer regular employees in a particular class and
126 who are entitled to have their names certified for appointment to a position in
127 that class without examination.
- 128 CC. Reinstatement - The action by which a former City employee is reinstated
129 into City service.
- 130 DD. Supervisor - An employee below the department head level in charge of a
131 work unit or other employees. Where no such level exists between an
132 employee and the department head, the department head acts also as the
133 supervisor.
- 134 EE. Suspension - The temporary removal with or without pay of an employee
135 from his/her designated position.
- 136 FF. Termination - A complete separation from City employment resulting from
137 discharge, resignation, retirement or death.
- 138 GG. Transfer
- 139 1. lateral - The movement of an employee from one position to another
140 position within the same classification.
- 141 2. classification - The movement of an employee from one classification
142 to another classification within the same pay range.

143 BE IT FURTHER RESOLVED that original Article 1, Section 2 of Resolution No.
144 7758, City of Topeka Personnel Code, is hereby specifically rescinded.

145 ADOPTED and APPROVED by the City Council August 7, 2007.

146 CITY OF TOPEKA, KANSAS
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149 _____
150 William W. Bunten, Mayor
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152 ATTEST:

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156 Brenda Younger, City Clerk