

CITY OF TOPEKA
CITY ATTORNEY'S OFFICE
MEMORANDUM

Phone: 368-3883 Fax: 368-3901

TO: All COT Employees

FROM: Steven R. Ebberts, Assistant City Attorney

SUBJECT: MEDICAL TREATMENT FOR WORK RELATED INJURIES OR
CONDITIONS

DATE: February 8, 2002

I am providing you with the following information, which is currently effective. It is important that you **READ AND ARE AWARE** of this information should you experience a job related injury/illness.

• **ACCIDENT REPORTING:**

Kansas Workers' Compensation Law requires employees to notify their employer within **10 days of incurring an accident** or their claim may be determined to be non-compensable. The City will adhere to the time limits set forth in the Workers' Compensation Law. **All injuries should be reported to your supervisor immediately.**

• **MEDICAL ASSISTANCE:**

St Francis Hospital Industrial Medicine Program will provide twenty-four hour (24 HOUR) medical services to City Employees for **work related** injuries or conditions seven (7) days a week. Please report to the **St. Francis Hospital Emergency Room** if medical care is needed.

• **PHARMACY SERVICES:**

The authorized provider for pharmacy services for work related injuries/conditions is any _____ in Topeka. The cost for medication or supplies will be charged to the City of Topeka account.

PHARMACY:
Kmart, Osco Drug, WalMart or Walgreen's

• **REMINDERS:**

1. You may elect to decline treatment for an injury. However, **you should still report the occurrence to your supervisor immediately** in order for him or her to complete a report of accident, which states medical treatment declined;
2. If a life threatening injury occurs, call 911 for assistance; and
3. ***Filing a fraudulent or abusive Workers' Compensation claim may be punishable both under civil and criminal statutes; fraudulent or abusive claims will be pursued by the City to the full extent of the law!***

Please call my office if you have any questions regarding Workers' Compensation benefits or need any assistance.

READ BEFORE SIGNING: A copy of this memo has been provided to me. I have read and understand the information presented in this document, including notice to me that Workers' Compensation fraud or abuse is a crime punishable under Kansas law and that failure to follow the above process may result in denial of workers' compensation benefits.

X _____

Date: _____

This memo is for insurance purposes only and should not be construed to indicate you are an employee of the City of Topeka.

**CITY OF TOPEKA POLICE DEPARTMENT
AWARENESS STATEMENT FOR CRIMINAL JUSTICE
INFORMATION AND RELEASE**

Access to criminal history record information (CHRI), as defined in K.S.A. 22-4701, and use and dissemination of such information is governed by state and federal laws and regulations, in particular the federal regulations on Criminal Justice Information Systems (28 CFR Part 20). Further, state law provides specific criminal penalties for unlawfully accessing or disseminating criminal history record information. The Kansas Code provides: *"Any individual violating or causing a violation of the provisions shall be deemed guilty of a Class A misdemeanor."*

Topeka Police Department policy further restricts the use of any computer used by the Department to law enforcement purposes only. The computer system is available only to employees of the Topeka Police Department for bona fide law enforcement purposes; and then only as those purposes apply to the individual employee's job responsibilities. These restrictions apply not only to criminal history files, but to all law enforcement computer files.

I acknowledge that I have received instructions about the intent and content of federal and state laws and regulations concerning the security and privacy of criminal history record information. I further acknowledge that I have read and understand the above provisions of the law of the State of Kansas. I further understand that I have no right to access the computer system and must hold any information inadvertently obtained from said system in strictest confidence.

I further acknowledge and understand as part of my participation in riding with Police Department personnel, I may become privy to personal and sensitive information about citizens with whom I come in contact. I understand such individuals have certain interests protected by privacy rights, and I agree to hold in confidence and not divulge any such information.

I hereby release said municipal corporation, its officers, employees, agents, and servants from any liability regarding the foregoing, or for contribution as a joint tort-feasor therefor; and will indemnify and save harmless said corporation, its officers, employees, agents and servants from any such liability or contribution to such liability.

Signature

Date

.....
STATE OF KANSAS, COUNTY OF SHAWNEE:

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

**CITY OF TOPEKA
NO DISCRIMINATION OR HARASSMENT POLICY**

1.0 POLICY PURPOSE AND DEFINITIONS

- 1.1 The City of Topeka is committed to maintaining a work environment that is free from discrimination and harassment where employees at all levels of the City are able to devote their full attention and best efforts to the job. Discrimination and harassment, either intentional or unintentional, have no place in the work environment. Accordingly, the City does not authorize and will not tolerate any form of discrimination or harassment of or by any employee (i.e., supervisory or non-supervisory) based on race, sex, religion, color, national origin, age, disability, or any other factor protected by law.
- 1.2 The term "discrimination" for all purposes includes, but is not limited to, treating an employee differently because of his or her race, sex, religion, color, national origin, age, disability, or any other factor protected by law, in connection with the terms and conditions of employment, including but not limited to, decisions relating to hiring, promotions, merit increases, discipline, compensation, and discharge from employment with the City. Discrimination does not occur, however, when an employee is treated differently than another employee for legitimate, business-related reasons.
- 1.3 The term "harassment" for all purposes includes, but is not limited to, offensive language, jokes, or other verbal, graphic or physical conduct relating to an employee's race, sex, religion, color, national origin, age, disability, or other factor protected by law, which would make the reasonable person experiencing such harassment uncomfortable in the work environment or which could interfere with the person's job performance.

2.0 POLICY STATEMENT

SEXUAL HARASSMENT

- 2.1 The prevention and elimination of sexual harassment is of special concern to the City. Sexual harassment includes: (a) physical assaults or physical conduct that is sexual in nature; (b) unwelcome sexual advances or comments or requests for sex or sexual activities linked to one's employment or advancement, regardless of whether they are based on promises or threats; (c) sexual displays or publications such as calendars, cartoons or graffiti; (d) other verbal or physical conduct of a sexual nature that has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment; or (e) retaliation for complaints of harassment. The City regards all such pervasive conduct as creating a hostile and offensive work environment in violation of this policy, regardless of whether submission to such conduct is made either explicitly or implicitly a term or condition of employment. Examples of sexual harassment include sexual propositions, sexual innuendo, sexually suggestive comments, sexually-oriented "kidding," "teasing" or "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body; or reading or otherwise publicizing in the work environment materials that are sexually suggestive or revealing.

RACIAL AND RELIGIOUS HARASSMENT

- 2.2 Racial, religious, or national origin harassment deserves special mention as well and is expressly prohibited by this policy. Racial, religious, or national origin harassment includes any verbal, written, or physical act in which race, religion, or national origin is used or implied in a manner that would make a reasonable employee uncomfortable in the work environment or that would interfere with the employee's ability to perform the job. Examples of racial, religious, or national origin harassment include jokes that include reference to race, religion, or national origin; the display or use of objects or pictures that adversely reflect on a person's race, religion, or national origin; or use of language that is offensive due to a person's race, religion, or national origin.

PHYSICAL DISABILITY DISCRIMINATION

- 2.3 The City prohibits discrimination against employees with disabilities (as that term is defined under the Americans with Disabilities Act and state law). To this end, the City will provide a disabled employee with a reasonable accommodation to enable the employee to perform the essential functions of his or her job if the accommodation does not cause an undue hardship on the City. It is incumbent on the employee to request a reasonable accommodation for a disability by contacting the Human Resources Department at 368-3867 and requesting an accommodation for his or her disability.

REPORTING PROCEDURE

- 2.4 The City cannot resolve matters that are not brought to its attention. Any employee, regardless of position, who has a complaint of or who witnesses discrimination or harassment at work by anyone, including supervisors, managers, employees or even non-employees, has a responsibility to immediately bring the matter to the City's attention.

To bring instances of discrimination or harassment to the City, an employee must report the discrimination or harassment to his or her immediate supervisor. If the complaint involves someone in the employee's direct line of supervision, then the employee should notify another supervisor or bring the complaint to the next level of management. **Regardless of the complainant's department, every supervisor has a duty to immediately notify Human Resources of any complaint lodged in respect to this policy.** An employee always has the option of reporting the complaint directly to Human Resources. Additionally, employees may bring complaints after regular working hours to the Director of Human Resources by calling the emergency number listed on the attached Emergency Contact Information sheet.

Nothing contained herein shall abrogate an employee's ability to seek redress from any other entity.

INVESTIGATION PROCESS

- 2.5 The City will thoroughly and promptly investigate all claims of discrimination and harassment. The City will maintain the confidential nature of complaints except as disclosure is required in subsequent disciplinary, civil or criminal proceedings. Human Resources will conduct all investigations regarding this policy, and/or shall provide oversight to the investigative process. If an investigation confirms that discrimination or harassment has occurred, the City will take corrective action, including such discipline up to and including immediate termination of employment, as appropriate. Claims of assault or battery, or the threat thereof, if proven, will result in corrective action, up to and including termination. At the conclusion of the investigation, the City will again meet with the complaining employee and will report that an investigation was completed and, if the City found evidence of discriminatory or harassing conduct, that appropriate discipline was taken. If it is determined that an employee intentionally provided false information regarding a complaint, disciplinary action may result.

PROTECTION AGAINST RETALIATION

- 2.6 The City will not tolerate adverse treatment of employees because they report harassment or discrimination or provide information related to such complaints. The City will undertake whatever measures are necessary to ensure that retaliation does not occur. Employment decisions affecting an employee who has filed a complaint shall not be based on retaliatory motives.
- 2.7 If you believe that the City has not met its obligations under this policy, you should contact the Director of Human Resources at 368-3867. An effective No Discrimination or Harassment Policy depends on all of us, working together, to address this very important subject.

THIS POLICY SPECIFICALLY REPEALS AND REPLACES PRIOR CITY POLICIES AND ADMINISTRATIVE MEMORANDA REGARDING DISCRIMINATION, HOSTILE WORK ENVIRONMENT, AND SEXUAL HARASSMENT.

Approved:

David H. Graversen
Chief Administrative Officer

February 14, 2003
Date

EMPLOYEE ACKNOWLEDGMENT

I have read and understand the City of Topeka's No Discrimination and Harassment Policy. Specifically, I acknowledge my understanding of the following:

1. I understand the type of conduct and behavior that is prohibited by this policy.
2. I understand that I will be subject to discipline, up to and including the termination of my employment, if I engage in conduct prohibited by this policy.
3. I know how to report violations of this policy to the City of Topeka.

Signature

Date

Printed Name



City of Topeka Policy

Workplace Violence Prevention

POLICY PURPOSE

The City of Topeka is committed to promoting a safe and secure work environment. Nothing is more important to the City than the safety and security of its employees. We are committed to providing a working environment free from any types of prohibited behaviors. Consistent with this policy, acts or threats of physical violence which involve or affect the City of Topeka, or which occur on City property, will not be tolerated.

2.0 POLICY STATEMENT

- 2.1 The City of Topeka shall maintain a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the City of Topeka. Zero tolerance means that, under no circumstances will prohibited behavior be tolerated. City of Topeka employees and members of the public doing business with the City of Topeka shall be prohibited from carrying firearms and weapons on City property. The only persons exempted from this firearms and weapons prohibition are certified law enforcement officers, licensed merchant guards and patrol officers, or other persons authorized by local, state, or federal law to carry a weapon, unless circumstances require otherwise as determined by the Director of Human Resources (HR). The City intends to use any means available to it to secure the workplace from violence and prohibited behavior, and to reasonably protect employees and members of the public. This prohibition also applies to City-sponsored functions, including but not limited to, sporting events or picnics.
- 2.2 Violation of this policy by City of Topeka employees will lead to disciplinary action as provided for per City of Topeka Code, Article IX, Section 2, or the disciplinary procedure within the appropriate labor agreement, and may include dismissal, arrest, and prosecution. If the source of the prohibited behavior is a member of the public, the response may include removing and barring the person(s) from City-owned or leased premises, City-sponsored functions, termination of business relationships, and/or appropriate legal action of the person(s) involved.
- 2.3 All incidents are to be reported. With the assistance of the supervisor, a written report will be completed by the employee and forwarded to HR where a copy will be maintained.



City of Topeka Policy

Workplace Violence Prevention

- 2.4 Any employee who acts in good faith by reporting real, perceived, or implied violent behavior will not be subjected to retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.
- 2.5 Any employee who files an intentionally false report against another individual shall be subject to disciplinary action, up to and including termination.

THIS POLICY REPLACES ALL EARLIER ADMINISTRATIVE POLICIES ON THE SUBJECT OF WORKPLACE WEAPONS AND VIOLENCE.

Approved

May 15, 2002

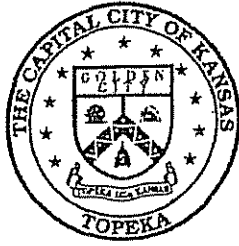
David H. Graversen
Chief Administrative Officer

I acknowledge receipt of this policy.

Print Name

Signature

Date



City of Topeka Policy

Use of City of Topeka's Informational Technology System

Users are hereby advised that there is material on the Internet that is offensive to most people. The City of Topeka does not have the ability to control this information, and does not attempt to screen it all. Users must use their good judgment and common sense to stay away from offensive Internet sites. The City of Topeka disavows any liability for harassment by any person who uses a City of Topeka system and is offended upon discovering such offensive material.

NO RIGHT TO PRIVACY

All information created, accessed, or stored using City of Topeka's applications and information technology systems is the property of the City of Topeka. Users do not have a right to privacy to any activity conducted using the City of Topeka's information technology systems. Representatives of the City of Topeka can review, read, access or otherwise monitor all activities on City of Topeka systems or on any other system accessed by use of a City of Topeka system. The City of Topeka monitors all web sites that are visited.

PROHIBITED USES

Sales and Solicitation

Users may not send e-mail for any purpose other than personal communication. Users may not transmit unsolicited commercial or bulk e-mail or advertise or offer to sell goods or services to others. Unless approved by the Mayor, Chief Administrative Officer, or their designates, users may not use the systems for soliciting other employees for any reason, including but not limited to soliciting funds for school fundraising drives or selling products or merchandise or to solicit political support. Users may not use City information systems to make fraudulent offers to sell or buy products, items, or services. Users may not use City information systems or to advance any type of financial scam such as pyramid schemes, Ponzi schemes or chain letters.

Confidential Information

Users must not use e-mail or any other method to send City of Topeka proprietary or confidential information to any unauthorized person. Such information may be sent to authorized persons in encrypted files if sent over publicly accessible media such as the internet or broadcast media such as wireless communication. Such information may be sent in unencrypted files only within the City of Topeka system.

Deception

Users may not intercept or attempt to intercept e-mail or network traffic, attempt to access the accounts of others, or attempt to penetrate the security measures of the City of Topeka. This includes, but is not limited to, intentionally seeking information on, obtaining copies of, or modifying files, e-mail or other data or passwords belonging to other users without their express permission.

Users may not send, or cause to be sent, communications that makes use of or contain invalid or forged headers, invalid or non-existent domain names or other means of deceptive addressing.



City of Topeka Policy

Use of City of Topeka's Informational Technology System

Similarly, e-mail that is relayed through a third party's mail server without the permission of that third party, or which employs similar technologies to hide or obscure the source of the e-mail is unauthorized. Users may not impersonate another user by modifying e-mail header information, or otherwise hide the user's identity.

Nuisance E-mail and E-mail Attachments

No unexpected e-mail attachments received from unknown persons should be opened. Doing so leaves the City of Topeka vulnerable to viruses, and also may violate application licensing agreements or copyright law. Users may not create or forward nuisance e-mail, including jokes and chain letters.

Software Installation, Downloads, and Banned Software

No software, games or other applications may be installed or downloaded on a City system without the City of Topeka's Information Technology Department's authorization. Users may not make copies of applications running on City of Topeka systems for use at home, on laptops or for other reasons, without authorization. Users may not knowingly download or upload, e-mail, install, or post files that contain software, music, video, or other material protected by intellectual property laws, rights of privacy or publicity, copyright, trademark, patent, trade secret or any other applicable law unless the user owns or controls the rights thereto or has received all necessary consents.

Instant messaging software, file sharing and peer-to-peer (P2P) programs, multiple player games, or any software that automatically accesses the Internet from user computers is prohibited. Examples of banned software include, but are not limited to: AOL Instant Messenger, Yahoo Instant Messenger, WeatherBug, Webshot, Kaaza, Imesh, and Limewire.

Modems

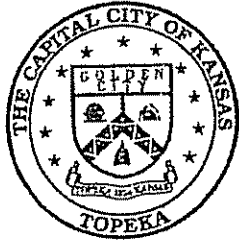
Any computer connected to the City of Topeka's network cannot contain or connect to a modem or any similar device without the approval of the Information Technology Department.

Illegal Uses

Users are prohibited from using the City of Topeka's information systems for wagering or betting.

Users shall never harass, intimidate, stalk, threaten others or engage in other illegal activity (including pornography, terrorism, espionage, theft or drugs) by e-mail or other methods. It is specifically prohibited for users to knowingly visit sites that feature pornography, terrorism, espionage, theft or illegal drugs. Users must not abuse or violate the legal rights of others. All such activities should be reported to management for appropriate action.

Users may not publish, post, distribute or disseminate defamatory, obscene or unlawful material or information via our Internet, or violate any applicable local, state, national or international law.



City of Topeka Policy

Use of City of Topeka's Informational Technology System

VIOLATION OF THIS POLICY MAY RESULT IN DISCIPLINE UP TO AND INCLUDING TERMINATION OF EMPLOYMENT; PROVIDED DISCIPLINE IS CONSISTENT WITH THE TERMS AND CONDITIONS OF ANY APPLICABLE COLLECTIVE BARGAINING AGREEMENT.

This policy specifically repeals and replaces prior city policies and administrative memoranda regarding the use of City of Topeka's information technology systems.

Approved:

David B. Gaversen
Chief Administrative Officer

9/30/03
Date

EMPLOYEE ACKNOWLEDGEMENT

I have read and understand the City of Topeka's Policy Defining Acceptable Use of City of Topeka's Information Technology Systems.

Signature

Date

Printed Name