



Agenda - Final

Special Committee for Legal Review

Kevin McManus, Chair
Heather Hall, Vice Chair
Andrea Bough
Lee Barnes Jr.

Tuesday, March 21, 2023

1:30 PM

26th Floor, Council Chamber

<https://us02web.zoom.us/j/85624825067>

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via video conference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the video conference platform ZOOM, using this link:

<https://us02web.zoom.us/j/85624825067>

Parks-Shaw, Hall, Fowler and McManus

[230219](#)

Sponsor(s): Councilmembers Ryana Parks-Shaw, Heather Hall, Dan Fowler and Kevin McManus

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-362, 2-364, and 2-367 and enacting in lieu thereof new sections of like number and subject matter to remove language regarding the collective bargaining agreements, add clarifying language regarding the equal employment opportunity policy and enforcement by the EEO office, and extend the time within which a complaint must be filed.

Attachments: [Docket Memo 230219](#)

[230219 Compared Verdsion](#)

[230219com](#)

Robinson

[230220](#)

Sponsor: Councilmember Melissa Robinson

RESOLUTION - Directing the City Manager to implement actions to improve issues regarding equal employment opportunity in all City departments.

Attachments: [Docket Memo 230220](#)

Lucas

[230230](#) Sponsor: Mayor Quinton Lucas

Directing the City Manager to create a municipal identification program and report back to the Council within 90 days on any regulatory changes or funding needed to effectuate the program.

Attachments: [Docket Memo 230230](#)

Lucas

[230264](#) Sponsor: Mayor Quinton Lucas

RESOLUTION - Adopting and authorizing the execution of an amendment to the 2021-2024 Collective Bargaining Agreement with Local No. 42, I.A.F.F.

Attachments: [230264 Docket Memo](#)

HELD IN COMMITTEE

Lucas

[221060](#) Sponsor: Mayor Quinton Lucas

Approving and authorizing partial settlement of the lawsuit entitled *Russell Elwood, et al., v. City of Kansas City, Mo.*, Case No. 2216-CV26061, to resolve claims brought by the International Association of Firefighters, Local 42.

Attachments: [No Fact sheet for ordinance 221060](#)
[Docket memo 221060](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding the current Special Committee for Legal review issues.
2. Those who wish to comment on proposed ordinances can email written testimony to: public.testimony@kcmo.org Comments received will be distributed to the committee and added to the public record by the clerk. The city provides several ways for residents to watch City Council meetings:
 - Live Stream on the city's website at www.kcmo.gov

- Live Stream on the city's YouTube channel at

<https://www.youtube.com/watch?v=3hOublg4fok>

- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 selects Kansas City), and Google Fiber on Channel 142.

- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section:

http://kansascity.granicus.com/ViewPublisher.php?view_id=23.

Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

The City Clerk's Office now has equipment for the hearing impaired for every meeting. To check out the equipment, please confer with the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary, and she or he will give you the equipment. Upon returning the equipment, your license will be returned.

Adjournment



File #: 230219

ORDINANCE NO. 230219

Sponsor(s): Councilmembers Ryana Parks-Shaw, Heather Hall, Dan Fowler and Kevin McManus

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-362, 2-364, and 2-367 and enacting in lieu thereof new sections of like number and subject matter to remove language regarding the collective bargaining agreements, add clarifying language regarding the equal employment opportunity policy and enforcement by the EEO office, and extend the time within which a complaint must be filed.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances, entitled “Administration,” is hereby amended by repealing Sections 2-362, 2-364, and 2-367 and enacting in lieu thereof new sections of like numbers and subject matters to read as follows:

Sec. 2-362. Powers and duties of director.

The director of human resources shall perform and exercise the duties and powers provided by the Charter to be by the director performed or exercised. All duties and powers set forth in the Charter for the director of personnel shall accrue to the director of human resources.

Sec. 2-364. Equal Employment Opportunity Policy.

(a) It is the policy of the city that all persons regardless of race, religion, color, sex, (including pregnancy), national origin, age (over 40), disability, marital status, genetic information, gender identity, or sexual orientation shall have an equal opportunity of employment including: recruitment, hiring, training, benefits, transfers, layoffs, demotions, terminations, compensation, and any other terms or conditions of employment.

(b) It is the policy of the city that discrimination directed at or harassment of employees based on race, religion, color, sex, (including pregnancy), national origin, age (over 40), disability, marital status, genetic information, gender identity, or sexual orientation will not be tolerated in the workplace and is hereby prohibited. The director of human resources shall maintain a policy against inappropriate conduct that could lead to or be perceived as discrimination and harassment, including where such conduct may be reported.

(c) All city employees shall be notified of the city's equal opportunity/diversity program and the city's EEO policy.

(d) It is the policy of the city that retaliation against any person because that individual has made a report, testified, assisted or participated in any manner in an investigation under the city's EEO Policy or opposed any practice prohibited by the city's EEO Policy is prohibited and will not be tolerated in the city workplace and is hereby prohibited. The director of human resources shall implement a policy against inappropriate conduct that is retaliatory as defined by this section, including where such conduct may be reported.

(e) Inappropriate sexual activity in the workplace, even between consenting adults, is prohibited and will not be tolerated in the city workplace.

(f) The city's EEO policy is designed to correct and prevent inappropriate conduct that could lead to or be perceived as discrimination, harassment or retaliation based on one or more protected categories listed in section (a), regardless of whether such conduct violates any law. A finding of violation of the city's EEO Policy should not be considered a finding by the city that any state or federal law has been violated.

Sec. 2-367. Reports and Complaints.

(a) The city's EEO office will oversee and keep records on the enforcement of the city's EEO policy.

(b) Any employee who believes they have been discriminated against or harassed because of their race, religion, color, sex (including pregnancy), national origin, age (over 40), disability, marital status, genetic information, gender identity, or sexual orientation, or who believes that another person has violated the city's EEO policy, or who believes they or someone else is being retaliated against because of because that they made a complaint or report or testified, assisted or participated in any manner in an investigation under the city's EEO Policy or opposed any practice prohibited by the city's EEO Policy must submit a report or complaint with the city's EEO office and provide enough information that the allegations can be evaluated and, when warranted, investigated.

(c) Employees are required to promptly report suspected violations of the city's EEO policy. Complaints or reports of suspected violations of the city's EEO policy shall be filed immediately and no later than one year from the last act of discrimination, harassment or retaliation, unless good cause for delaying the complaint is shown as determined by the Human Resources Director. In addition to for good cause, alleged violations occurring more than one year prior to reporting may be investigated if they are part of a continuing violation of the city's EEO policy. Any supervisory employee who receives a report or complaint or who observes or otherwise becomes aware of any suspected conduct that may violate the city's EEO policy shall report it to the city's EEO office with forty-eight (48) hours of being put on notice of the conduct. Supervisory employees may not report to any other party, except the city EEO office and reporting to any other party is prohibited and shall not be considered compliance with the reporting requirements of this section.

(d) During the period beginning with the filing of such complaint or report, the city's EEO office may recommend conciliation/mediation to seek to resolve the complaint or report.

(e) Investigations of complaints or reports of a suspected violation of the city's EEO policy. Upon receiving a complaint or report, the human resources director shall immediately take whatever action is necessary to protect the person making the complaint or submitting the report from any continued or additional inappropriate conduct and from retaliatory acts. The city's EEO office will conduct an initial inquiry into the complaint or report to determine if the complaint or report warrants further investigation. If further investigation is required, the city's EEO office will investigate the complaint or report. Those assigned to investigate complaints and reports will prepare a finding of facts and present these findings to a committee made up of the director of human resources or designee, assistant city manager, and chief equity officer. This committee will review the findings of fact and issue a determination. If it is found that a violation of the city's EEO policy has occurred, the committee will recommend corrective or disciplinary action to the human resources director in an effort to end or to prevent the recurrence of any violations of the city's EEO policy. The human resources director shall not issue corrective or disciplinary measures that would conflict with the committee recommendation without city manager approval.

(f) Complaints to outside agencies. City employees may submit complaints of discrimination, harassment and retaliation to the Equal Employment Opportunity Commission or the Missouri Commission on Human Rights in accordance with the procedures and limitations applicable to those agencies. In the event an employee files a complaint alleging the same act or practice with an outside agency, the city's EEO office shall continue its investigation. In the event an employee elects to file a complaint only with an outside agency, the city's EEO office will defer to the outside agency to conduct the investigation.

..end

Approved as to form and legality:

Katherine Chandler
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-362, 2-364, and 2-367 and enacting in lieu thereof new sections of like number and subject matter to remove language regarding the collective bargaining agreements, add clarifying language regarding the equal employment opportunity policy and enforcement by the EEO office, and extend the time within which a complaint must be filed.

Discussion

This legislation does not have a fiscal impact.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
N/A
3. How does the legislation affect the current fiscal year?
N/A
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

Office of Management and Budget Review
(OMB Staff will complete this section.)

City of Kansas City, Missouri



Docket Memo

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
-
-

Prior Legislation

Click or tap here to enter text.

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?

N/A

City of Kansas City, Missouri



Docket Memo

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

Yes, the ordinance provides reference to all persons regardless of race, region, color sex, national origin, age (over 40), disability, marital status, genetic information, gender identity, or sexual orientation.

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 230219

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-362, 2-364, and 2-367 and enacting in lieu thereof new sections of like number and subject matter to remove language regarding the collective bargaining agreements, add clarifying language regarding the equal employment opportunity policy and enforcement by the EEO office, and extend the time within which a complaint must be filed.

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Approved as to form and legality:

Katherine Chandler
Senior Associate City Attorney



File #: 230220

RESOLUTION NO. 230220

Sponsor: Councilmember Melissa Robinson

RESOLUTION - Directing the City Manager to implement actions to improve issues regarding equal employment opportunity in all City departments.

WHEREAS, actions can and should be taken to improve perceptions of how City departments handle the issues of equal employment opportunity; and

WHEREAS, the City desires to ensure safe working conditions for all City employees free from discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation; and

WHEREAS, City employees have expressed issues stemming from long-standing cultural issues within the Kansas City Fire Department; and

WHEREAS, City employees have also expressed that the EEO investigation process is inefficient, ineffective and is unlikely to aid in conflict resolution; and

WHEREAS, minority and non-minority employees have expressed fear of retaliation for reporting incidents of harassment and discrimination; and

WHEREAS, the City aims to remove any conflicting roles that result in the representation of a bargaining unit member who may have experienced discrimination, harassment or retaliation at the hands of another bargaining unit, when the member accused of wrongdoing is being represented by the same bargaining unit; and

WHEREAS, the City desires to improve completion times and the thoroughness of EEO investigations; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the Council directs the City Manager to implement the following actions:

1. Have a regular and systematic annual dissemination of the City's policies prohibiting discrimination, harassment and retaliation. All City employees should receive copies of these policies annually and be required to acknowledge receipt of and knowledge of the contents of the policies.

2. Amend the City policies prohibiting discrimination, harassment and retaliation to be directive as opposed to suggestive regarding reporting observed or experienced discrimination, harassment or retaliation.
3. Have communications made from the City and Fire Department leadership requiring reporting of equal employment opportunity (EEO) policy violations. City communications should emphasize the seriousness of the matter and that employees need not report these issues through the normal chain of command.
4. Revamp the reporting tools for reporting of equal employment opportunity policy violations. The City shall institute new, user-friendly, web-based anonymous reporting tools.
5. Engage in specific efforts to create a “speak up” culture in the Fire Department and all other City departments, with all City employees in leadership roles required to be trained to and directed to combat EEO issues “in the moment.”
6. Have regular in-person Fire Department training sessions on the EEO Policy. Trainers should have intimate knowledge of how the Fire Department functions. Training shall be a part of any new hire orientation. Fire Department personnel shall be required to attend mandatory in-person training no less than once every two years. The training must reinforce the City’s no tolerance policies.
7. Have additional anti-racism, diversity, equity, inclusion, and cultural competency training for all City employees. Any training must focus on legal compliance and must be designed to change behavior.
8. Create a new commitment to “no tolerance” and real discipline for EEO Policy violations. Discipline shall go beyond a “slap on the wrist” or transfers to other departments, divisions or fire stations.
9. Research and study the EEO Policy and its provisions on investigations, process and procedures, determine whether any improvements can be made to such Policy, and implement such improvements, including ensuring the proper staffing to handle these processes and the completion of investigations within 60 days.
10. Implement the following steps to improve completion times:
 - By policy, set a presumptive outer limit of 60 days to complete and close an investigation, with reporting obligation due from investigator to manager on day 50; if the investigation cannot be closed by day 60, submit a stated plan for completion and timing;
 - Evaluate investigators on time-to-complete metrics as part of performance management process;

- Require the manager of the investigator group to keep a running timeline on all open, pending investigations;
- By policy, establish that a raiser of concerns and any necessary investigation witnesses shall be released from duty with pay for interviews;
- Consider opportunities to take statements/interview non-critical witnesses on duty during downtime at their stations;
- Consider the use of virtual, online platforms for conducting certain interviews when the alignment of schedules is difficult;
- Consider recording critical interviews;
- If the raiser of concerns/reporter does not request union representation, consider proceeding with the initial intake interview with just the reporting party, and if current bargaining agreements terms do not permit this, bargain for revised language allowing it; and
- If a witness is not the subject of the reporting party's report or complaint and the interview will not result in discipline to that witness, consider proceeding without union representation; if the current bargaining agreements do not permit this, bargain for revised language allowing it.

11. Implement the following steps to improve the investigation process:

- Set an action item of creating a comprehensive set of investigation guidelines, procedures and protocols:
- Standardize forms such as intake letters, correspondence to involved individuals, interview outlines, closure letters and other templates;
- Standardize the form, content and substance of each investigation file, such as the format of file, contents and which documents should be requested and preserved in a file;
- Develop protocol for investigation file maintenance, retention and access;
- Develop a training plan for current and new investigators; and
- Manage investigator performance against compliance with new procedures.

12. Implement the following steps to improve the thoroughness of investigations:

- As attrition of investigators happens in the EEO Division, recruit candidates for open positions that have investigation backgrounds (law enforcement, prior agency investigators, EEO investigators, human resources professionals, etc.);
 - Develop a training plan for current and new investigators;
 - Research in-depth training programs to upgrade the skills profile of current EEO Division investigators (EEO laws and requirements, investigation and witness questioning skills);
 - Consider partnering with City law enforcement for some cross-over and investigatory skills training to improve investigation skills;
 - Standardize interview outline expectations and forms;
 - Require managers to audit investigation files for planning, thoroughness and documentation; and
 - Manage investigator performance against expectations for thorough and quality investigations.
13. Consider whether any changes can be made to the City's Collective Bargaining Agreements regarding EEO Policy investigations and work toward making such changes to address union conflicts and influence on investigations. Changes should consider that not all investigation interviews require union representation. An employee accused of an EEO investigation should not be entitled to detailed information regarding the report prior to the interview.
14. Eliminate bid pre-calls and bid blocks in the Fire Department. Fire Department shall emphasize that an employee's choice of where to bid is the employee's choice and only position qualification and seniority will control where an employee will be assigned.
15. Emphasize the selection of Fire Academy instructors that recognize the importance of the EEO Policy and who will work to address the issues raised by such Policy.
16. Make changes to accommodate privacy issues in all fire stations and allocate the required financial resources from the Capital Improvement Fund to ensure all fire stations have safe and equitable shower and bathroom facilities for all Fire Department employees working at those stations

17. Investigate Fire Stations with a high turn-over rate to determine why there is such high turn-over and take steps to increase turnover at low turn-over stations to expand experience and opportunities for movement into leadership.
18. Provide tutoring and mentorship programs to young cadets in the Fire Academy who are seeking assistance, and budget additional funding to achieve these goals.
19. Increase recruiting efforts in minority communities and create additional FTEs devoted to these recruitment efforts.
20. Conduct a City-wide professionally managed, anonymous employee survey on EEO issues to further identify issues of concern regarding such issues.

..end



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Directing the City Manager to implement actions to improve issues regarding equal employment opportunity in all City departments.

Discussion

The fiscal impact of this legislation is indeterminable at this time.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No



City of Kansas City, Missouri

Docket Memo

2. This fund has a structural imbalance.

Yes No

Additional Discussion (if needed)

N/A

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
-
-

Prior Legislation

N/A.

Service Level Impacts

1. Have a regular and systematic annual dissemination of the City's policies prohibiting discrimination, harassment and retaliation. All City employees should receive copies of these policies annually and be required to acknowledge receipt of and knowledge of the contents of the policies.

2. Amend the City policies prohibiting discrimination, harassment and retaliation to be directive as opposed to suggestive regarding reporting observed or experienced discrimination, harassment or retaliation.

City of Kansas City, Missouri

Docket Memo

3. Have communications made from the City and Fire Department leadership requiring reporting of equal employment opportunity (EEO) policy violations. City communications should emphasize the seriousness of the matter and that employees need not report these issues through the normal chain of command.
4. Revamp the reporting tools for reporting of equal employment opportunity policy violations. The City shall institute new, user-friendly, web-based anonymous reporting tools.
5. Engage in specific efforts to create a “speak up” culture in the Fire Department and all other City departments, with all City employees in leadership roles required to be trained to and directed to combat EEO issues “in the moment.”
6. Have regular in-person Fire Department training sessions on the EEO Policy. Trainers should have intimate knowledge of how the Fire Department functions. Training shall be a part of any new hire orientation. Fire Department personnel shall be required to attend mandatory in-person training no less than once every two years. The training must reinforce the City’s no tolerance policies.
7. Have additional anti-racism, diversity, equity, inclusion, and cultural competency training for all City employees. Any training must focus on legal compliance and must be designed to change behavior.
8. Create a new commitment to “no tolerance” and real discipline for EEO Policy violations. Discipline shall go beyond a “slap on the wrist” or transfers to other departments, divisions or fire stations.
9. Research and study the EEO Policy and its provisions on investigations, process and procedures, determine whether any improvements can be made to such Policy, and implement such improvements, including ensuring the proper staffing to handle these processes and the completion of investigations within 60 days.
10. Implement the following steps to improve completion times:
 - By policy, set a presumptive outer limit of 60 days to complete and close an investigation, with reporting obligation due from investigator to manager on day 50; if the investigation cannot be closed by day 60, submit a stated plan for completion and timing;
 - Evaluate investigators on time-to-complete metrics as part of performance management process;
 - Require the manager of the investigator group to keep a running timeline on all open, pending investigations;



City of Kansas City, Missouri

Docket Memo

- By policy, establish that a raiser of concerns and any necessary investigation witnesses shall be released from duty with pay for interviews;

 - Consider opportunities to take statements/interview non-critical witnesses on duty during downtime at their stations;

 - Consider the use of virtual, online platforms for conducting certain interviews when the alignment of schedules is difficult;

 - Consider recording critical interviews;

 - If the raiser of concerns/reporter does not request union representation, consider proceeding with the initial intake interview with just the reporting party, and if current bargaining agreements terms do not permit this, bargain for revised language allowing it; and

 - If a witness is not the subject of the reporting party's report or complaint and the interview will not result in discipline to that witness, consider proceeding without union representation; if the current bargaining agreements do not permit this, bargain for revised language allowing it.
11. Implement the following steps to improve the investigation process:
- Set an action item of creating a comprehensive set of investigation guidelines, procedures and protocols:

 - Standardize forms such as intake letters, correspondence to involved individuals, interview outlines, closure letters and other templates;

 - Standardize the form, content and substance of each investigation file, such as the format of file, contents and which documents should be requested and preserved in a file;

City of Kansas City, Missouri

Docket Memo

- Develop protocol for investigation file maintenance, retention and access;
 - Develop a training plan for current and new investigators; and
 - Manage investigator performance against compliance with new procedures.
12. Implement the following steps to improve the thoroughness of investigations:
- As attrition of investigators happens in the EEO Division, recruit candidates for open positions that have investigation backgrounds (law enforcement, prior agency investigators, EEO investigators, human resources professionals, etc.);
 - Develop a training plan for current and new investigators;
 - Research in-depth training programs to upgrade the skills profile of current EEO Division investigators (EEO laws and requirements, investigation and witness questioning skills);
 - Consider partnering with City law enforcement for some cross-over and investigatory skills training to improve investigation skills;
 - Standardize interview outline expectations and forms;
 - Require managers to audit investigation files for planning, thoroughness and documentation;
 - Manage investigator performance against expectations for thorough and quality investigations.
- 13 Consider whether any changes can be made to the City's Collective Bargaining Agreements regarding EEO Policy investigations and work toward making such changes to address union conflicts and influence on investigations. Changes should consider that not all investigation interviews require union representation. An employee accused of an EEO investigation should not be entitled to detailed information regarding the report prior to the interview.
14. Eliminate bid pre-calls and bid blocks in the Fire Department. Fire Department shall emphasize that an employee's choice of where to bid is the employee's choice and only position qualification and seniority will control where an employee will be assigned.
15. Emphasize the selection of Fire Academy instructors that recognize the importance of the EEO Policy and who will work to address the issues raised by such Policy.
16. Make changes to accommodate privacy issues in all fire stations and allocate the required financial resources from the Capital Improvement Fund to ensure all fire stations have safe and equitable shower and bathroom facilities for all Fire Department employees working at those stations



City of Kansas City, Missouri

Docket Memo

17. Investigate Fire Stations with a high turn-over rate to determine why there is such high turn-over and take steps to increase turnover at low turn-over stations to expand experience and opportunities for movement into leadership.
18. Provide tutoring and mentorship programs to young cadets in the Fire Academy who are seeking assistance, and budget additional funding to achieve these goals.
19. Increase recruiting efforts in minority communities and create additional FTEs devoted to these recruitment efforts.
20. Conduct a City-wide professionally managed, anonymous employee survey on EEO issues to further identify issues of concern regarding such issues.

Other Impacts

1. What will be the potential health impacts to any affected groups?
N/A
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
N/A
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

Actions can and should be taken to improve perceptions of how City departments handle the issues of equal employment opportunity. The City desires to ensure safe working conditions for all City employees free from discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation. City employees have expressed issues stemming from long-standing cultural issues within the Kansas City Fire Department; and City employees have also expressed that the EEO investigation process is inefficient, ineffective and is unlikely to aid in conflict resolution; and minority and non-minority employees have expressed fear of retaliation for reporting incidents of harassment and discrimination. The City aims to remove any conflicting roles that result in the representation of a bargaining unit member who may have experienced discrimination, harassment or retaliation at the hands of another bargaining unit, when the member accused of wrongdoing is being represented by the same bargaining unit; and the City desires to improve completion times and the thoroughness of EEO investigations.



City of Kansas City, Missouri

Docket Memo

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



File #: 230230

RESOLUTION NO. 230230

Sponsor: Mayor Quinton Lucas

Directing the City Manager to create a municipal identification program and report back to the Council within 90 days on any regulatory changes or funding needed to effectuate the program.

WHEREAS, a municipal identification program can make it easier for residents to access municipal and regional services where identification or proof of residency may be required, including solid waste drop-offs, water services, prescription drug discounts, community centers, public transit, and libraries; and

WHEREAS, a municipal identification program can cultivate increased sense of belonging and community across a city; and

WHEREAS, the City has experience administering an identification program in the Vital Records Division of the Health Department; and

WHEREAS, launching a municipal identification program will require coordination across a variety of City departments and public agencies; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is directed to work with the Department of Health and any other relevant departments or agencies – including but not limited to the Departments of Parks, Public Works and Water Services, plus the Kansas City Public Library and the Kansas City Area Transportation Authority – to create a municipal identification program that provides identification for Kansas City residents and makes it easier for Kansas Citians to access public services where identification may be required.

Section 2. That the City Manager is directed to report back to the Council within 90 days of the adoption of this Resolution on any regulatory changes or funding needed to effectuate the program, along with an inventory of public services that Kansas Citians will be able to access through the program.

..end



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Directing the City Manager to create a municipal identification program and report back to the Council within 90 days on any regulatory changes or funding needed to effectuate the program.

Discussion

The fiscal impact of this legislation is indeterminable at this time.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No



City of Kansas City, Missouri

Docket Memo

2. This fund has a structural imbalance.

Yes No

Additional Discussion (if needed)

N/A

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
-
-

Prior Legislation

N/A.

Service Level Impacts

Create a municipal identification program that provides identification for Kansas City residents and makes it easier for Kansas Citians to access public services where identification may be required.

Other Impacts

1. What will be the potential health impacts to any affected groups?

N/A



City of Kansas City, Missouri

Docket Memo

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



File #: 230264

RESOLUTION NO. 230264

Sponsor: Mayor Quinton Lucas

RESOLUTION - Adopting and authorizing the execution of an amendment to the 2021-2024 Collective Bargaining Agreement with Local No. 42, I.A.F.F.

WHEREAS, the City and International Association of Fire Fighters Local 42 (“Local 42”) agree that each party has an interest in a workplace free of discrimination, harassment and violence; and

WHEREAS, the City and Local 42 agree that the City’s Equal Employment Opportunity Policy and Zero Tolerance Policy Regarding Threats or Acts of Violence are administered and enforced by the City for the purpose of having a workplace free of discrimination, harassment and violence; and

WHEREAS, the City and Local 42 desire to have a safe working environment free of discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation, and

WHEREAS, the City and Local 42 desire to have a “speak up” culture with Local 42 members trained to identify and respond to potential EEO Policy and Zero Tolerance Policy violations; and

WHEREAS, the City and Local 42 agree that modifications to investigations of EEO Policy and Zero Tolerance Policy are appropriate to avoid conflicts of interest or the appearance thereof; and

WHEREAS, the City and Local 42 recognize the importance of the EEO Policy and Zero Tolerance Policy and desire to teach Academy cadets of the same; and

WHEREAS, the City and Local 42 aim to have an efficient and effective EEO investigations process that will aid in the resolution of conflict; and

WHEREAS, the City and Local 42 agree that the current Collective Bargaining Agreement between the City and Local 42 requires modification to better express their interest and desire in the City administering and enforcing the above Policies; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the City Manager is hereby authorized to execute an amendment to Article XIX of the 2021-2024 Collective Bargaining Agreement on behalf of the City which shall have the following language added as a new Section 6:

Section 6. Disciplinary Proceedings Involving the EEO Policy and Zero Tolerance Policy Regarding Threats or Acts of Violence

- A. Predetermination hearings held as a result of disciplinary recommendations arising from violations of the EEO Policy or Zero Tolerance Policy Regarding Threats or Acts of Violence may be held before the City's predetermination hearing officer or such officer's designee. Discipline arising from such hearing shall be subject to the grievance procedure as outlined in this Agreement.
- B. The EEO office will advise any employee covered by this Agreement, in writing, of their right to have Union representation present, prior to commencing any interview or fact-finding process. In the event any member requests Union representation after being notified of their right to Union representation, or at any point during any investigatory interview or proceeding, the proceeding will be paused and such member will be given adequate time to obtain representation. The Union will be notified by the EEO office that a member has requested Union representation, and such notice will include all relevant information necessary to provide fair representation to the member. In the event a member declines Union representation, the EEO office and member will execute the Refusal of Union Representation form, and a copy of said will be forwarded to the Union.
- C. All EEO proceedings, or fact-finding interviews, with or without Union representation present, shall not commence until a Garrity Advisement of Rights approved by the Union has been read aloud and executed by the member being interviewed and the EEO officer present. A copy of said will be provided to the Union.
- D. Any member called before the EEO as a witness or complainant in any EEO investigation or proceeding who refuses Union representation shall have the right to request legal counsel provided by the City at no charge to the member.
- E. Any member called before the EEO as a respondent in any EEO investigation or proceeding who refuses Union representation shall have the right to obtain outside legal counsel of their choosing, at their own expense.
- F. All Fire Department employees who, while on duty, observe any readily identifiable violation of the EEO policy or Zero Tolerance Policy Regarding Threats or Acts of Violence shall report such, within 48 hours or during their next regularly scheduled shift, in accordance with the EEO policy of the City. Failure to promptly report such violations may result in disciplinary action for just cause.

- G. All EEO investigations involving bargaining unit members will commence within 30 days of the initial complaint being filed, and notice of disciplinary recommendations shall be provided in writing submitted to the Union upon completion of the investigation. The union shall have 15 days from the date they receive notice to request a predetermination hearing before the City's predetermination hearing officer or such officer's designee.

..end



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Adopting and authorizing the execution of an amendment to the 2021-2024 Collective Bargaining Agreement with Local No. 42, I.A.F.F.

Discussion

This legislation seeks to promote a workplace free of discrimination, harassment, and violence by executing an amendment to Article XIX of the 2021-2024 Collective Bargaining Agreement: Section 6. Disciplinary Proceedings Involving the EEO Policy and Zero Tolerance Policy Regarding Threats or Acts of Violence.

- A. Predetermination hearings held as a result of disciplinary recommendations arising from violations of the EEO Policy or Zero Tolerance Policy Regarding Threats or Acts of Violence may be held before the City's predetermination hearing officer or such officer's designee. Discipline arising from such hearing shall be subject to the grievance procedure as outlined in this Agreement.
- B. The EEO office will advise any employee covered by this Agreement, in writing, of their right to have Union representation present, prior to commencing any interview or fact-finding process. In the event any member requests Union representation after being notified of their right to Union representation, or at any point during any investigatory interview or proceeding, the proceeding will be paused and such member will be given adequate time to obtain representation. The Union will be notified by the EEO office that a member has requested Union representation, and such notice will include all relevant information necessary to provide fair representation to the member. In the event a member declines Union representation, the EEO office and member will execute the Refusal of Union Representation form, and a copy of said will be forwarded to the Union.
- C. All EEO proceedings, or fact-finding interviews, with or without Union representation present, shall not commence until a Garrity Advisement of Rights approved by the Union has been read aloud and executed by the member being interviewed and the EEO officer present. A copy of said will be provided to the Union.
- D. Any member called before the EEO as a witness or complainant in any EEO investigation or proceeding who refuses Union representation shall have the right to request legal counsel provided by the City at no charge to the member.
- E. Any member called before the EEO as a respondent in any EEO investigation or proceeding who refuses Union representation shall have the right to obtain outside legal counsel of their choosing, at their own expense.
- F. All Fire Department employees who, while on duty, observe any readily identifiable violation of the EEO policy or Zero Tolerance Policy Regarding Threats or Acts of Violence shall report such, within 48 hours or during their next regularly scheduled shift, in accordance



City of Kansas City, Missouri

Docket Memo

with the EEO policy of the City. Failure to promptly report such violations may result in disciplinary action for just cause.

- G. All EEO investigations involving bargaining unit members will commence within 30 days of the initial complaint being filed, and notice of disciplinary recommendations shall be provided in writing submitted to the Union upon completion of the investigation. The union shall have 15 days from the date they receive notice to request a predetermination hearing before the City’s predetermination hearing officer or such officer’s designee.

Fiscal Impact

- 1. Is this legislation included in the adopted budget? Yes No
- 2. What is the funding source?
N/A
- 3. How does the legislation affect the current fiscal year?
There is no fiscal impact.
- 4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
N/A
- 5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

N/A

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Public Safety (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reduce violent crime among all age groups, placing an emphasis on young offenders

City of Kansas City, Missouri



Docket Memo

- Evaluate and identify areas of opportunity in the emergency response delivery system to ensure the best possible patient outcome
- Improve the diversity of employee recruitment, succession planning, and retention in the Police and Fire Departments
- Increase effectiveness and efficiencies of operations at Municipal Court and work to achieve the best possible outcomes for those served

Prior Legislation

201058, 210503, 230220

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?
N/A
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
N/A
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?
N/A
5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?
N/A



File #: 221060

ORDINANCE NO. 221060

Sponsor: Mayor Quinton Lucas

Approving and authorizing partial settlement of the lawsuit entitled *Russell Elwood, et al., v. City of Kansas City, Mo.*, Case No. 2216-CV26061, to resolve claims brought by the International Association of Firefighters, Local 42.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Attorney is hereby authorized to enter into an agreement to resolve claims brought by the International Association of Firefighters, Local 42, in the lawsuit entitled *Russell Elwood, et al., v. City of Kansas City, Mo.*, Case No. 2216-CV26061.

..end

Approved as to form:

Tara M. Kelly
Senior Associate City Attorney

No
Fact
Sheet
Provided
For
Ordinance
221060



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Please Select

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Approving and authorizing partial settlement of the lawsuit entitled Russell Elwood, et al, v. City of Kansas City, Mo., Case No. 2216-CV26061, to resolve claims brought by the International Association of Firefighters, Local 42.

Discussion

That the City Attorney is hereby authorized to enter into an agreement to resolve claims brought by the International Association of Firefighters, Local 42, in the lawsuit Russell Elwood, et al, v. City of Kansas City Mo., Case No. 2216-CV26061.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

N/A.

3. How does the legislation affect the current fiscal year?

N/A.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

No.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No.

Office of Management and Budget Review

(OMB Staff will complete this section.)



City of Kansas City, Missouri

Docket Memo

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

There is no fiscal impact of this legislation.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
-
-

Prior Legislation

Click or tap here to list prior related ordinances/resolutions.

Service Level Impacts

None

Other Impacts

- 1. What will be the potential health impacts to any affected groups?

N/A



City of Kansas City, Missouri

Docket Memo

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A