



## Agenda

### Finance, Governance and Public Safety Committee

Katheryn Shields, Chair  
Heather Hall, Vice Chair  
Ryana Parks-Shaw  
Melissa Robinson  
Lee Barnes  
Kevin McManus

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Wednesday, September 15, 2021

10:30 AM

26th Floor, Council Chamber

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#### PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

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 videoconference platform ZOOM, using this link:  
<https://us02web.zoom.us/j/84530222968>

#### FIRST READINGS

- [210735](#) Approving and authorizing settlement of a claim for a Workers' Compensation benefit filed by Sherwood Smith for injuries resulting from an accident on October 17, 2018, while employed by the City.
- [210758](#) Approving and authorizing settlement of the lawsuit entitled Marcus Greer v. City of Kansas City, Missouri, Case No. 2016-CV11216.
- [210737](#) Appropriating \$262,793.06 from the Unappropriated Fund Balance of the Museum Levy Fund for the Kansas City Museum Foundation; and designating requisitioning authority.
- Lucas and O'Neill**
- [210756](#) Directing the City Manager to identify \$200,000.00 in funding to be used to implement a program to receive, store and safely dispose of weapons surrendered in Kansas City Municipal Court domestic violence cases and to report back to Council within 45 days with a plan for funding and implementation of that program.

HELD IN COMMITTEE

**Robinson and Parks-Shaw**

**210502** Amending Chapter 2, Code of Ordinances, by amending Sections 2-367, 2-1111, 2-1112, 2-1113, and 2-1114 to authorize the director of human resources to take disciplinary action when the city's equal employment opportunity policy is violated, to change the members of the EEO review committee, and to provide regular employees subject to various discipline and suspension pending completion of an investigation a predetermination hearing.

**210729** Providing certain City employees up to 80 hours paid leave for Coronavirus Disease 2019 quarantine due to a positive test, offset by the number of Emergency Paid Sick Leave hours utilized under the Families First Coronavirus Response Act and Ordinance No. 210029.

**ADDITIONAL BUSINESS**

1. Jackson Country Prosecutor Jean Peters Baker will provide a presentation" Public Safety Guidelines."
2. Finance Department will present the FY2020-21 Year End Cash Basis Financial Report.
3. There may be additional general discussion regarding current Finance, Governance and Public Safety Committee issues.
4. 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

5. Those who wish to comment on proposed ordinances can attend or, send testimony to:  
  
public.testimony@kcmo.org.

Comments received will be distributed to the Finance 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](http://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 then select 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

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

Adjournment



## Legislation Text

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**File #: 210735, Version: 1**

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### ORDINANCE NO. 210735

Approving and authorizing settlement of a claim for a Workers' Compensation benefit filed by Sherwood Smith for injuries resulting from an accident on October 17, 2018, while employed by the City.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That settlement of the claim of Sherwood Smith for workers' compensation benefits against the City of Kansas City, Missouri, for any and all injuries resulting from an accident while employed by the City, as more fully set forth and subject of a formal claim, Case No. 18-094232, presently pending before the Division of Workers' Compensation of the State of Missouri, by payment to Sherwood Smith of the sum of \$89,100.00 as recommended by the City Attorney and Risk Management Committee, is hereby approved.

Section 2. That the City Attorney is hereby authorized to pay the sum of \$89,100.00 in settlement of said claim from funds heretofore appropriated in Account No. 22-7020-071402-610400.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy Queen  
Director of Finance

Approved as to form and legality:

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Anthony G. Bush  
Assistant City Attorney

# GENERAL Ordinance Fact Sheet

**Ordinance Number**

**Brief Title:** Resolution of the Workers' Compensation Claim of Sherwood Smith  
**Approval Deadline:**

**Reason:**

**Details**

<p><b>Reason for Legislation</b>          Resolution of the claim of Sherwood Smith, Firefighter, for an occupational disease. Mr. Smith was diagnosed with multiple myeloma in 2018. He is permanently and totally disabled.</p>
<p><b>Discussion</b> <i>(including relationship to other Council actions)</i></p> <p>Mr. Sherwood Smith worked for the Kansas City Fire Department for thirty-seven (37) years. He was diagnosed with cancer which resulted from his exposures to toxic substances during his career as a firefighter. We will resolve his claim for \$89,100.00. In addition, we are responsible for paying his permanent total disability benefits of \$947.64 per week.</p>

**Positions / Recommendations**

<b>Sponsor(s)</b> Matthew Gigliotti, City Attorney	
<b>Programs, Departments, or Groups Affected</b> Fire Department	
<b>Applicants/Proponents</b>	<p><b>Applicant</b></p> <p>City Department</p> <p>Other</p>
<b>Opponents</b>	<p><b>Groups or Individuals</b></p> <p>Basis of Opposition</p>
<b>Staff Recommendation</b>	<input type="checkbox"/> For <input type="checkbox"/> Against <b>Reasons Against:</b>
<b>Board or Commission Recommendation</b>	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions
<b>Council Committee Action</b>	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass

**Details**

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**Policy / Program Impact**

<b>Policy or Program Change</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	
<b>Finances</b>	
<b>Cost and Revenue Projections</b>	<b>Cost of Legislation</b> \$89,100.00  <b>Increase/Decrease in Revenue Expected Annually</b>
<b>Fund Sources</b>	22-7020-071402-610400

**Applicable Dates:**

**Fact Sheet Prepared By:**

Anthony G. Bush, Assistant City Attorney

**Reviewed By:**

Matt Gigliotti, City Attorney

**Reference Numbers:**





Legislation Text

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**File #: 210758, Version: 1**

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ORDINANCE NO. 210758

Approving and authorizing settlement of the lawsuit entitled *Marcus Greer v. City of Kansas City, Missouri*, Case No. 2016-CV11216.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the payment of the sum of \$55,000.00 in settlement of the lawsuit styled, *Marcus Greer v. City of Kansas City, Missouri*, Case No. 2016-CV11216, as recommended by the City Attorney and the Risk Management Committee, is hereby approved.

Section 2. That the City Attorney is hereby authorized to pay the sum of \$55,000.00 in settlement of said claims in this lawsuit from funds previously appropriated in Account No 22, 7010-131543-B, Public Office Liability Claims.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy Queen  
Director of Finance

Approved as to form and legality:

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Timothy R. Ertz  
Assistant City Attorney



# GENERAL Ordinance Fact Sheet

**Ordinance Number**

**Brief Title:** Approval of settlement of *Marcus Greer v. City of Kansas City, Missouri*

**Approval Deadline:**

**Reason:** To approve settlement of *Marcus Greer v. City of Kansas City, Missouri*

**Details**

<p><b>Reason for Legislation</b> To seek City Council approval and authorization of \$55,000.00 settlement of the lawsuit styled <i>Marcus Greer v. City of Kansas City, Missouri</i>, Case No. 2016-CV11216.</p>
<p><b>Discussion</b> <i>(including relationship to other Council actions)</i></p> <p>Plaintiff is a former City employee who worked in the City's Water Services Department as a Maintenance Worker from May 2013 to October 2020. Plaintiff has filed a lawsuit making claims of associational race discrimination, disability discrimination, race discrimination, racial harassment, hostile work environment, retaliation, and workers' compensation retaliation based on his experience in the Water Services Department. His complaints range from inappropriate comments made at work to alleged retaliatory investigations to unfair hiring practices. This settlement resolves any potential liability, punitive damages, potential future liability, and attorneys' fees.</p> <p>Is it good for the children? Yes.</p>

**Positions / Recommendations**

<b>Sponsor(s)</b> Matthew Gigliotti, City Attorney	
<b>Programs, Departments, or Groups Affected</b> Water Services Department	
<b>Applicants/Proponents</b>	<b>Applicant</b>  City Department  Other
<b>Opponents</b>	<b>Groups or Individuals</b>  Basis of Opposition
<b>Staff Recommendation</b>	9 For 9 Against Reasons Against:
<b>Board or Commission Recommendation</b>	9 For 9 Against 9 No Action Taken 9 For, with revisions or conditions
<b>Council Committee Action</b>	9 Do Pass 9 Do Pass (as amended) 9 Committee Substitute 9 No Recommendation 9 Hold 9 Do Not Pass

**Details**

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**Policy / Program Impact**

<b>Policy or Program Change</b>	9 No 9 Yes
<b>Operational Impact Assessment</b>	

**Finances**

<b>Cost and Revenue Projections</b>	<b>Cost of Legislation</b> \$55,000.00  <b>Increase/Decrease in Revenue Expected Annually</b>
<b>Fund Sources</b>	22-7010-131543-B

**Applicable Dates:**

**Fact Sheet Prepared By:**

Timothy R. Ertz, Assistant City Attorney

**Reviewed By:**

Matthew Gigliotti, City Attorney

**Reference Numbers:**





Legislation Text

**File #: 210737, Version: 1**

ORDINANCE NO. 210737

Appropriating \$262,793.06 from the Unappropriated Fund Balance of the Museum Levy Fund for the Kansas City Museum Foundation; and designating requisitioning authority.

WHEREAS, on March 9, 2021, the City, acting through the Board of Parks and Recreation Commissioners (“Parks Board”), passed Parks Board Resolution No. 31553, approving an agreement with the Kansas City Museum Foundation (“KCMF”) for the management, operation, and maintenance of the Kansas City Museum to be effective May 1, 2021; and

WHEREAS, on April 15, 2021, the City Council passed Ordinance No. 210261, approving the agreement between the Parks Board and the KCMF; and

WHEREAS, pursuant to Section 92.035, RSMo, the City receives annual tax revenue from the Museum property tax levy dedicated only to the Museum and to be used exclusively for the construction, operation, and improvement of the Kansas City Museum Facilities; and

WHEREAS, under the agreement, the City would annually transfer the revenue collected from the Museum property tax levy to the Kansas City Museum Foundation (less deductions for debt service, insurance, collection fees, and other administrative charges) for the operational expenses; and

WHEREAS, as set forth in the agreement, the City, for FY20-21 only, will retain an amount from the FY20-21 Museum Fund balance to pay for any outstanding invoices or bills for utilities expended after the transfer on May 1, 2021, until the Foundation has all of the utility services in its name and at that time the City will transfer any remaining utility withholding balance to the Foundation; and

WHEREAS, the utility services at the Museum have been transferred to the Foundation’s name; and

WHEREAS, the City has completed all outstanding invoices and bills and has a residual Museum Fund balance of \$262,793.06 to transfer to the KCMF via direct pay; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the sum of \$262,793.06 is appropriated from the Unappropriated Fund Balance of the Museum Levy Fund to the following account in the Museum Levy Fund:

22-2020-702460-B	Museum Fund	\$262,793.06
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Section 2. That the Interim Director of Parks and Recreation Department is hereby designated requisitioning authority for Account No. 22-2020-702460.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy L. Queen  
Director of Finance

Approved as to form and legality:

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Lana K. Torczon  
Assistant City Attorney

LEGISLATIVE FACT SHEET		Legislation Number:	
		Approval Deadline:	
LEGISLATION IN BRIEF:			
<p>What is the reason for this legislation?</p>	<p align="center"><b>Fact Sheet Color Codes</b></p> <p align="center">User Entered Field</p> <p align="center">User Select From Menu</p> <p align="center">For OMB Use</p>		
<p>Discussion (including relationship to other Council actions)</p>	<p align="center">Sponsor(s)</p> <p align="center">Programs, Departments, or Groups Affected</p> <p align="center">Sub-Program in Budget (page #)</p>		
	<p>Applicants/ Proponents</p>	<p align="center">City Department</p>	<p align="center">Other</p>
<p align="center"><b>Citywide Business Plan Goal</b></p>	<p>Staff Recommendation</p>		
<p align="center"><b>Citywide Business Plan Objective</b></p>	<p>Board or Commission Recommendation</p>		
<p align="center"><b>Citywide Business Plan Strategy</b></p>	<p align="center"><b>Future Impacts</b></p>		
	<p>Cost of Legislation current Fiscal Year</p>		
	<p>Costs in Future Fiscal Years?</p>		
	<p>Annual Revenue Increase/Decrease</p>		
	<p><b>Applicable Dates:</b></p>		
	<p><b>Prepared by:</b></p>		
	<p><b>Date Prepared:</b></p>		
	<p><b>Reviewed by:</b></p>		
	<p><b>Date Reviewed</b></p>		
	<p><b>Reference Numbers</b></p>		

# LEGISLATIVE FISCAL NOTE

LEGISLATION  
NUMBER:

TMP-0889

**LEGISLATION IN BRIEF:**

Appropriating \$262,793.06 from the Unappropriated Fund Balance of the Museum Fund for the Kansas City Museum Foundation; and designating requisitioning authority.

**What is the purpose of this legislation?**

OPERATIONAL

*For the purpose of authorizing expenditures new or planned to conduct municipal services*

**Does this legislation spend money?**

YES

Yes/No

See Sections 01, 02 and 03 for sources of funding

**Does this legislation estimate new Revenues?**

NO

Yes/No

0

**Does this Legislation Increase Appropriations?**

YES

Yes/No

See Section 03 for increases in appropriations

**Are costs associated with this legislation ongoing (Yes)? Or one-time (No)**

NO

Yes/No

See Section 00: " Notes" Below

**Section 00: Notes:**

This legislation appropriates \$262,793.06 from the Unappropriated Fund Balance of the Museum Levy Fund for the purpose of remittance to the Kansas City Museum Foundation for operations at the Kansas City Museum.

Five years of operational costs for ongoing programs should be included in Section 04 below.

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2020	702460	619080	-	262,793	

**NET IMPACT ON OPERATIONAL BUDGET**

(262,793.06) -

RESERVE STATUS:

**DRAW ON RESERVES**

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears

**TOTAL REV**

- - - - -

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2020	Museum Levy	262,793	-	-	-	-	-	-

**TOTAL EXP**

262,793 - - - - -

**NET Per-YEAR IMPACT**

(262,793) - - - - -

**NET IMPACT ( SIX YEARS)**

**(262,793.06)**

REVIEWED BY

Julie Steenson  
Tanner Owens - OMB

DATE

8/20/2021  
8/20/2021







## Legislation Text

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**File #: 210756, Version: 1**

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### RESOLUTION NO. 210756

Directing the City Manager to identify \$200,000.00 in funding to be used to implement a program to receive, store and safely dispose of weapons surrendered in Kansas City Municipal Court domestic violence cases and to report back to Council within 45 days with a plan for funding and implementation of that program.

WHEREAS, Kansas City funds its Municipal Court, providing, among other items, much needed support for those in our community who are victims of domestic violence; and

WHEREAS, Municipal Court has a division dedicated to the prosecution of domestic violence; and

WHEREAS, in connection with Municipal Court convictions, defendants often agree to permanently forfeit any weapons possessed by that defendant as a condition of probation; and

WHEREAS, Municipal Court has 171 defendants with 288 open cases where either “permanently forfeit weapon” or “do not possess or purchase any firearm ammunition” is a condition of the probation; and

WHEREAS, when weapons are surrendered by a defendant, there is no physical location for that defendant to turn the weapons in; i.e., no employee, no process to comply with that term of probation and no location established to receive the weapons, store the weapons or safely dispose of the weapons; and

WHEREAS, to effectively establish a program to receive, store and safely dispose of all weapons voluntarily forfeited in domestic violence actions, a city employee classification will need to be identified and funded to oversee all elements of the program and a depository safe to store the weapons must be purchased and placed in a location identified as safe for receipt of the weapons; and

WHEREAS, Council desires to establish a process for receipt, storage and safe disposal of all weapons voluntarily forfeited in Kansas City Municipal Court domestic violence actions; and

WHEREAS, working with the Kansas City Police Department (KCPD) to effectuate the goals of this resolution will create a positive and impactful path to solve the issues identified herein; NOW, THEREFORE,

**BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:**

The City Manager is directed to identify \$200,000.00 in funding to be used to establish a program to receive, store and safely dispose of all weapons surrendered in connection with Kansas City Municipal Court domestic violence cases and to report back to Council within 45 days with a plan for funding and implementation of that program.

# Resolution Fact Sheet

210756

## Resolution Number

**Brief Title:**

**Approval Deadline:**

**Reason:**

Directing the City Manager to identify \$200,000.00 in funding to be used to implement a program to receive, store and safely dispose of weapons surrendered in Kansas City Municipal Court domestic violence cases and to report back to Council within 45 days with a plan for funding and implementation of that program.

**Details**

**Positions / Recommendations**

<p><b>Reason for Legislation</b> To Direct the City Manager to identify \$200,000.00 in funding to be used to implement a program to receive, store and safely dispose of weapons surrendered in Kansas City Municipal Court domestic violence cases and to report back to Council within 45 days with a plan for funding and implementation of that program.</p>	<p><b>Sponsor(s)</b> Mayor Quinton Lucas and Councilmember Kevin O’Neill</p>	
	<p><b>Programs, Departments, or Groups Affected</b> City Manager, Municipal Court, City Prosecutor’s Office and Police Department</p>	
	<p><b>Applicants/Proponents</b></p>	<p><b>Applicant</b></p> <p>City Department</p> <p>Other</p>
<p><b>Discussion</b> <i>(including relationship to other Council actions)</i> Kansas City funds its Municipal Court, providing, among other items, much needed support for those in our community who are victims of domestic violence. Municipal Court has a division dedicated to the prosecution of domestic violence. A total of 2021 domestic violence probation violation cases with violation dates were filed between 2016 and 2021.</p>	<p><b>Opponents</b></p>	<p><b>Groups or Individuals</b></p> <p>Basis of Opposition</p>

<p>In connection with Municipal Court convictions, defendants often agree to permanently forfeit any weapons possessed by that defendant as a term of probation. When weapons are surrendered by a defendant, there is no physical location for that defendant to turn the weapons in; i.e., no employee, no process to comply with that term of probation and no location established to receive the weapons, store the weapons or safely dispose of the weapons. To effectively establish a program to receive, store and safely dispose of all weapons voluntarily forfeited in domestic violence actions, a city employee classification will need to be identified and funded to oversee all elements of the program and a depository safe to store the weapons must be purchased and placed in a location identified as safe for receipt of the weapons. Council desires to establish a process for receipt, storage and safe disposal of all weapons voluntarily forfeited in Kansas City Municipal Court domestic violence actions.</p>		<b>Staff Recommendation</b> <input type="checkbox"/> For <input type="checkbox"/> Against <b>Reasons Against:</b>
		<b>Board or Commission Recommendation</b> <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions
		<b>Council Committee Action</b> <input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass

**Details**

**Policy / Program Impact**

<p><b><u>Is it good for the children?</u></b> Yes.</p> <p><b><u>How will this contribute to a sustainable Kansas City?</u></b> This legislation is not intended to address the issue of sustainability.</p>		<b>Policy or Program Change</b> <input type="checkbox"/> No <input type="checkbox"/> Yes
		<b>Operational Impact Assessment</b>
	<b>Finances</b>	
		<b>Cost and Revenue Projections</b>  <b>Cost of Legislation</b>  <b>Increase/Decrease in Revenue Expected Annually</b>

		<b>Fund Sources</b>	
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**Applicable Dates:**

**Fact Sheet Prepared By:**

Alan L. Holtkamp, Assistant City Attorney

**Reviewed By:**

**Reference Numbers**



## Legislation Text

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**File #: 210502, Version: 1**

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### ORDINANCE NO. 210502

Amending Chapter 2, Code of Ordinances, by amending Sections 2-367, 2-1111, 2-1112, 2-1113, and 2-1114 to authorize the director of human resources to take disciplinary action when the city's equal employment opportunity policy is violated, to change the members of the EEO review committee, and to provide regular employees subject to various discipline and suspension pending completion of an investigation a predetermination hearing.

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 2-367, 2-1111, 2-1112, 2-1113, and 2-1114 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 2-367. Complaints.**

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

(b) Any employee who alleges that he or she is being treated unfairly because of his or her race, religion, color, ancestry, sex, (including pregnancy), national origin, age (over 40), disability, marital status, genetic information, gender identity, or sexual orientation, or who alleges that another person has otherwise violated the city's EEO policy may file a written complaint with the office of equal employment opportunity/diversity on forms provided by the office which shall set forth the particulars thereof and any such other information that may be required by the EEO office.

(c) Employees are urged to promptly report violations of the city's EEO policy. Complaints of violations of the city's EEO policy shall be filed no later than 180 days from the last act of prohibited conduct. Any supervisory employee who receives a complaint or who observes or otherwise becomes aware of any such conduct shall promptly report it to the EEO office.

(d) During the period beginning with the filing of such complaint, the office of equal opportunity/diversity may recommend conciliation/mediation to seek to resolve the complaint.

(e) Investigations of complaints of an alleged violation of the 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 from any continued or additional inappropriate conduct. The EEO office will conduct an initial inquiry into the complaint to determine if the complaint warrants further investigation. If further investigation is required, the EEO office will investigate the complaint or assist the department from which the complaint came to investigate the complaint, if appropriate. Those assigned to investigate complaints 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 or city manager designee. This committee will review the findings of fact and issue a

determination. If it is found that a violation of the harassment policies 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 harassment. The human resources director shall not enact corrective or disciplinary measures that would conflict with the committee recommendation without city manager approval.

(f) **Complaints to outside agencies.** City employees may make any complaints of discrimination and harassment 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 EEO office shall continue its investigation. In the event an employee elects to file a complaint only with an outside agency, the EEO office shall allow the outside agency to conduct the investigation.

**Sec. 2-1111. Reprimands.**

Except as otherwise provided in this code, a department head may reprimand any employee for cause. Such reprimand shall be in writing and addressed to the employee. A signed copy shall be delivered to the human resources department for inclusion in the employee's personnel file. Reprimands may not be appealed to the human resources board. However, the employee may file a letter to respond to the reprimand which shall be attached to the reprimand in his personnel file.

**Sec. 2-1112. Suspension.**

(a) *Generally.* Except as otherwise provided in this code, a department head may for cause issue to an employee a disciplinary suspension without pay for a period or periods not exceeding 30 calendar days in any 12 months; however, no single suspension shall be for more than 15 calendar days. The department head shall notify the employee concerned and the director of human resources in writing not later than one day after the date the suspension is made effective. Such notice shall include the reasons for and the duration of the suspension. Any permanent employee who is suspended may appeal for a hearing in writing to the human resources board within ten calendar days of notice of suspension.

(b) *Suspension pending investigation/predetermination hearing.* In order to protect the city's interests, a department head may remove an employee from the workplace and place the employee on suspension without pay pending the completion of an internal investigation or predetermination hearing. Such suspensions shall not be the normal course of business and should be utilized only when necessary to prevent the destruction of evidence/property, protect citizens or employees from harm/intimidation, or to protect the public's interest and confidence in city government. The department head shall notify the employee concerned and the director of human resources in writing not later than one day after the date the suspension is made effective. Such notice shall include the reasons for and the anticipated duration of the suspension. No suspension pending an investigation shall exceed 15 calendar days without prior approval from the city manager. Any permanent employee who is suspended pending an investigation will be provided a predetermination hearing as authorized by this code and may appeal for a hearing in writing to the human resources board within ten calendar days of the predetermination hearing answer. Permanent employees placed on suspension pending an investigation may also, at their request, utilize their free day, and/or accrued vacation and compensatory leave time. If the investigation finds that a suspension or the length of the suspension was not warranted, the employee shall be entitled to receive full back-pay.

(c) *Effect of arrest or conviction.* Any employee who is arrested for a felony or Missouri class A misdemeanor charge or its equivalent or an ordinance or statutory violation alleging bodily harm or threat thereof, and has a trial pending shall have his case reviewed by the department head or designee. It is the employee's responsibility to notify his or her department head of such charges. The department head, or designee, taking into consideration the duties and service of the employee, shall have the authority to reassign the employee to a less sensitive position or to suspend the employee until such time as a judgment is rendered by the court. If the employee either pleads guilty, no

contest or the equivalent, or is subsequently convicted of a felony or Missouri class A misdemeanor charge or its equivalent or an ordinance or statutory violation involving bodily harm or threat thereof, including but not limited to a reduced charge as a result of a plea bargain, he or she may be removed from the municipal service. If the suspended employee is found not guilty and is released by the court, he or she shall be reinstated to the former position with pay upon the employee's furnishing the department head, or designee, proper documentation regarding other employment, if any, for all time he was suspended as a result of such charges. However, any earnings of a suspended employee from another employer during the period of suspension shall be offset against the back pay with the city. It is the employee's responsibility to keep his or her department head aware of any pending charges, and the outcome of the charges against him or her.

**Sec. 2-1113. Demotion.**

Except as otherwise provided in this code, a department head may demote any employee for cause. A written statement of the reasons for any such action shall be furnished to the employee and a copy filed with the director of human resources at least seven (7) calendar days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class. Any regular employee who is demoted shall receive a predetermination hearing and as provided in this code may appeal for a hearing in writing to the human resources board within ten days of receipt of written notice of such action.

**Sec. 2-1114. Dismissal.**

(a) *Generally.* Except as otherwise provided in this code, a department head may dismiss for cause any regular employee under his jurisdiction by delivering, at least seven (7) calendar days before the effective date thereof, a written statement of reasons to the employee concerned and to the director of human resources.

(b) *Suspension pending discharge.* If the department head, because of the reasons for the discharge, desires to make an immediate separation from the service, he may make a suspension without pay pending discharge by so notifying the director of human resources in writing of the recommendation and the reasons therefore. Suspensions pending discharge shall not be subject to the limitations of suspension length provided in other sections of this article.

(c) *Appeal.* Any regular employee so dismissed shall receive a predetermination hearing and have the right to appeal in writing within ten days of the dismissal to the human resources board and shall be granted a hearing as provided for in section 907 of the Charter.

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Approved as to form and legality:

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Lana K. Torczon  
Assistant City Attorney

# GENERAL

## Ordinance Fact Sheet

#	210502
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Ordinance Number

**Brief Title**

**Approval Deadline**

**Reason**

Equal Employment Opportunity/Disciplinary Ordinance Amendments

**Details**

**Positions/Recommendations**

**Reason for Legislation**

This ordinance amends the Equal Employment Opportunity program to change the make up of the EEO committee and to authorize the HR director to administer discipline for violations of the EEO policy. The ordinance also amends code sections related to discipline to clarify that regular employees are entitled to a predetermination hearing and right to appeal the discipline.

<b>Sponsor</b>	Councilmembers Parks-Shaw and Robinson
<b>Programs, Departments, or Groups Affected</b>	All
<b>Applicants / Proponents</b>	Applicant  City Department  Other
<b>Opponents</b>	Groups or Individuals  None Known Basis of opposition
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For  <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken  <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

**Details:**

Currently the EEO Committee, which reviews EEO investigations to determine whether a violation of the EEO policy occurred and what discipline is appropriate, is comprised of the HR Director, an Assistance City Manager and the City Attorney or designee. This ordinance will change the EEO Committee to replace the City Attorney with the Chief Equity Officer or City Manager designee.

Additionally, the EEO Committee currently provides a recommended discipline to the offending employee's department, who is required to administer the discipline or meet with the City Manager if the department director disagrees with the recommended discipline. This ordinance authorizes the HR director to administer the discipline, centralizing the disciplinary process for EEO violations.

Finally, the ordinance modifies the code sections for suspensions, demotion and termination to clarify that regular employees who are subject to that discipline are afforded a predetermination hearing and a right to an appeal before the HR Board. This does not change the current process but clarifies that right for regular employees (employees in the classified service who have passed their initial probationary period)

(Continued on reverse side)



**Details**

Is it good for the children? Yes

How will this contribute to a sustainable Kansas City?

Allows us to move forward with the goals and objectives of the entire City.

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
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**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	
<b>Financial Impact</b>	None
<b>Fund Source (s) and Appropriation Account Codes</b>	

(Use this space for further discussion, if necessary)

**Applicable Dates:**

**Fact Sheet Prepared by:**

Saskia Jacobse  
Deputy Director of Human Resources

Date 06/15/21

**Reviewed by:**

Teri Casey  
Director of Human Resources

Date 06/15/21

**Reference Numbers**

<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	210502
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LEGISLATION IN BRIEF:

Authorizes the Director of HR to administer discipline for violations of the EEO policy

**What is the purpose of this legislation?** LEGISLATIVE

*for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank*

**Sections 01-04 should be blank. See section 00 for more information**

Yes/No

Yes/No

Yes/No

Yes/No

**Section 00: Notes:**

*This ordinance replaces the City Attorney with the Chief Equity Officer or City Manager designee on the EEO Committee, authorizes the Director of HR to administer any discipline, and modifies City code to clarify the current process. There is no fiscal impact for this ordinance.*

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**NET IMPACT ON OPERATIONAL BUDGET**

	\$ -	\$ -
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*RESERVE STATUS:*

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
	<b>TOTAL REV</b>	-	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
	<b>TOTAL EXP</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	<b>NET Per-YEAR IMPACT</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**NET IMPACT ( SIX YEARS)** -

REVIEWED BY Kitty Steffens, OMB DATE 6/15/2021



## Legislation Text

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**File #: 210729, Version: 1**

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### ORDINANCE NO. 210729

Providing certain City employees up to 80 hours paid leave for Coronavirus Disease 2019 quarantine due to a positive test, offset by the number of Emergency Paid Sick Leave hours utilized under the Families First Coronavirus Response Act and Ordinance No. 210029.

WHEREAS, the United States Congress provided up to 80 hours Emergency Paid Sick Leave under the Families First Coronavirus Response Act, Pub. L. No. 116-127, 134. Stat. 195, to employees of local governments when they were required to quarantine for various reasons related to the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the provision of paid leave to local government employees under the FFCRA expired December 31, 2020 and were not renewed by the United States Congress; and

WHEREAS, the Council provided paid leave for City employees required to quarantine who had not already utilized the leave previously provided under the FFCRA by Ordinance No. 210029; and

WHEREAS, Kansas City currently has a vaccination rate of only forty percent; and

WHEREAS, cases of COVID-19 have increased with high community transmission of COVID-19 throughout Missouri, threatening both unvaccinated and vaccinated employees; and

WHEREAS, the Health Department has noted breakthrough cases and Delta variant cases among vaccinated and unvaccinated people in Kansas City; and

WHEREAS, the symptoms of COVID-19 and the Delta variant are milder among vaccinated people than unvaccinated, but may still be spread by people who have tested positive whether vaccinated or not; and

WHEREAS, employees of the City who test positive must quarantine if ordered by the Health Department; and

WHEREAS, employees of the City may not be able to telework if their work is not conducive to telework, or due to symptoms of COVID-19; and

WHEREAS, the City wishes to provide paid leave for City employees required to quarantine because they tested positive for COVID-19 who have not already utilized the leave previously provided under the FFCRA and Ordinance No. 210029 and who have been fully vaccinated against COVID-19; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a total of eighty hours of paid leave be available to employees of the City of Kansas City who have not exhausted the Emergency Paid Sick Leave provided by the Families First Coronavirus Response Act, Pub. L. No. 116-127 or Ordinance No. 210029, who are fully vaccinated against COVID-19, who are required to quarantine by the City of Kansas City Health Department because the employee tests positive for COVID-19, and who are unable to telework.

Section 2. That employees will be eligible for a maximum of eighty hours paid leave, offset by the number of Emergency Paid Sick Leave hours utilized under the Families First Coronavirus Response Act and Ordinance No. 210029.

Section 3. That this leave will be available until December 31, 2021.

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Approved as to form and legality:

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Lana Torczon  
Assistant City Attorney

No  
Fact Sheet  
provided  
for  
Ordinance  
210729

<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	210729
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LEGISLATION IN BRIEF:

Providing certain City employees up to 80 hours paid leave for Coronavirus Disease 2019 quarantine due to a positive test, offset by the number of Emergency Paid Sick Leave hours utilized under the Families First Coronavirus Response Act and Ordinance No. 210029.

**What is the purpose of this legislation?** OPERATIONAL

*For the purpose of authorizing expenditures new or planned to conduct municipal services*

**Does this legislation spend money?**  Yes/No  
*See Section 00: " Notes" Below*

**Does this legislation estimate new Revenues?**  Yes/No  
 0

**Does this Legislation Increase Appropriations?**  Yes/No

**Are costs associated with this legislation ongoing (Yes)? Or one-time (No)**  Yes/No  
*See Section 00: " Notes" Below*

**Section 00: Notes:**

No fiscal impact anticipated with this legislation. Wage and leave are included in the adopted budget.  
 Five years of operational costs for ongoing programs should be included in Section 04 below.

**FINANCIAL IMPACT OF LEGISLATION**

<b>Section 01: If applicable, where are funds appropriated in the current budget?</b>				FY 21-22 BUD	FY 22-23 EST
FUND	DEPTID	ACCOUNT	PROJECT		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Section 02: If applicable, where will new revenues be estimated?</b>				FY 21-22 BUD	FY 22-23 EST
FUND	DEPTID	ACCOUNT	PROJECT		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Section 03: If applicable, where will appropriations be increased?</b>				FY 21-22 BUD	FY 22-23 EST
FUND	DEPTID	ACCOUNT	PROJECT		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>NET IMPACT ON OPERATIONAL BUDGET</b>				-	-
				<i>RESERVE STATUS:</i>	

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>TOTAL REV</b>	-	-	-	-	-	-	-
FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>TOTAL EXP</b>	-	-	-	-	-	-	-
<b>NET Per-YEAR IMPACT</b>		-	-	-	-	-	-	-
<b>NET IMPACT ( SIX YEARS)</b>		-						

REVIEWED BY Aaron Dispenza DATE 8/25/2021