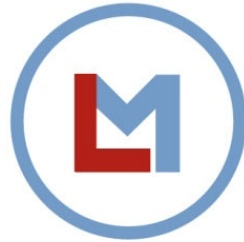


MIRMA's HR1Call Mid-Year Review



LAUBER MUNICIPAL LAW, LLC



Missouri Intergovernmental Risk Management
Association

Presented by Jennifer Baird

July 24, 2025

Serving those who serve the public

Introduction / Overview

- ④ HR1call Program
- ④ Mid-Year in Review
- ④ Frequently Asked Questions / Topics



MIRMA HR-1Call

- ④ What is MIRMA HR-1Call?
- ④ Scope of service
 - ④ Procedure for obtaining legal service
 - ④ Types of Issues that will be addressed
 - ④ Expectation for receiving a response
- ④ Confidentiality of legal opinions



How it Works

The screenshot displays the MIRMA Member Portal in a web browser. The browser's address bar shows the URL `mirma.org/member-portal`. The website's header is dark green with the MIRMA logo on the left and navigation links for 'Who We Are', 'What We Offer', 'Membership', 'Contact', and 'Member Portal' on the right. The 'Member Portal' link is highlighted with a white border.

The main content area is divided into two columns. The left column features a 'Your Profile' section with the name 'Patrick Bonnet' and email 'pbonnet@mirma.org'. It includes an 'EDIT PROFILE' button. Below this is a 'Shared Files' section with sorting options: 'Alphabetical A-Z', 'Alphabetical Z-A', 'Most Recent', and 'First Posted'. A file thumbnail is visible, dated 'February 5, 2018'.

The right column contains a 'MEMBER MENU' with a list of links: 'Board Minutes', 'Directory', 'Financials', 'File a Claim', 'FirstNurse', 'Forms/Policies', 'Member Portal', 'Membership Manual', 'MIRMA HR - ICall', 'MIRMA University', 'Newsletters', 'Presentations', and 'Video Library'. Below the menu is an 'EVENTS' section with a link for '2018 Annual Meeting - July 25-27th'.

The Windows taskbar at the bottom shows the search bar and several application icons. The system clock in the bottom right corner indicates the date '1/14/2018' and time '1:04 PM'.

How it Works

- ④ Best Practice – Send question through MIRMA website
- ④ Call or email me –
jbaird@laubermunicipal.com
(816) 525-7881
- ④ Call or email MIRMA
(573) 817-2554





Yearly Review

Month	# of Calls 2017 - 2018	# of Calls 2018 - 2019	# of Calls 2019 - 2020	# of Calls 2020 - 2021	# of Calls 2021 - 2022	# of Calls 2022 - 2023	# of Calls 2023 - 2024	# of Calls 2024 - 2025
July	1	11	10	32	27	9	10	30
August	11	16	22	44	18	20	9	16
September	8	11	8	33	35	19	14	17
October	10	11	15	25	24	14	20	27
November	16	10	9	12	27	19	12	15
December	6	1	10	27	28	14	12	15
January	11	14	13	16	17	11	13	35
February	9	19	12	22	24	27	3	7
March	10	14	13	33	11	32	19	18
April	5	9	21	21	20	5	12	30
May	8	13	5	33	10	27	9	
June	5	4	23	26	8	22	14	
Total	100	133	161	324	249	219	147	

Frequently Asked Topics



- ④ Termination / Disciplining of Employees
 - ④ Disciplining/Terminating Police Officers/Chief of Police
- ④ Family Medical Leave Act
- ④ Americans with Disabilities Act
- ④ Fair Labor Standards Act
- ④ Harassment, Discrimination, Retaliation

Law Enforcement Employees

Lauber Municipal Law

- Ⓜ Law enforcement employees cannot be summarily fired, unlike most other city workers, who are purely at-will and can be quickly fired.
- Ⓜ Unfortunately, this issue comes up regularly, as cities are always having to deal with cop complaints and crises.
- Ⓜ No matter how bad whatever has happened is, a city must take its time and should consult its legal counsel before trying to part ways with a police officer or police chief, as there are significant liability issues at stake.



City Marshal vs. Police Chief

Lauber Municipal Law



- ④ City law enforcement agencies are either headed by an elected “City Marshall” (fairly rare) or an appointed “Chief of Police.”
- ④ Marshalls (who often use the “Chief” title) can be removed from office only via impeachment (except in Villages, where they can be removed by the Board).
- ④ Appointed Police Chiefs (defined as “any nonelected chief law enforcement officer”) don’t get impeached, but they also can’t be summarily fired.
- ④ Removal is pursuant to 106.273, RSMo.
- ④ Requires specific due process and “just cause.”

Removal of Police Chief

Lauber Municipal Law



“Just cause” exists when a chief...

- Ⓜ Is unable to perform his or her duties with reasonable competence or reasonable safety as a result of a mental condition, including alcohol or substance abuse
- Ⓜ Has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer
- Ⓜ Has caused a material fact to be misrepresented for any improper or unlawful purpose
- Ⓜ Acts in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interests of the public or the chief's governing body
- Ⓜ Has been found to have violated any law, statute, or ordinance which constitutes a felony
- Ⓜ Has been deemed insubordinate or found to be in violation of a written established policy, unless such claimed insubordination or violation of a written established policy was a violation of any federal or state law or local ordinance.
- Ⓜ **NOTE:** Officers' Bill of Rights does NOT apply to the highest-ranking person in the agency.



Officer's Bill of Rights

Lauber Municipal Law



- ④ §590.502, RSMo., agency cannot summarily fire or even discipline a law enforcement officer.
- ④ Sets out requirements related to investigating and disciplining an officer.
- ④ Unlike the police chief statute we just discussed, this law DOES NOT list or restrict the grounds for termination, officers are still “at-will” in the sense that they can be fired for any lawful reason.
- ④ What the law DOES DO is establish detailed procedures for complaints, interviews, and appeals of decisions to fire, demote, or reassign.




Officer's Bill of Rights, con't

Lauber Municipal Law

- Ⓜ Applies to any POST licensed officer with the power to arrest, so it applies to rookies, reserves, park rangers, etc.
- Ⓜ If you are interviewing an officer about misconduct, there are now several strict rules that must be followed, check the statute, and consult your city attorney BEFORE you ask the officer questions about whatever they did.
- Ⓜ Failure to follow the rules can give rise to a lawsuit with which the officer can win back pay and reinstatement.
- Ⓜ No exceptions for criminal charges or disability, every officer gets the protections every time.
- Ⓜ Missouri Supreme Court has reviewed the statute, but the appeal is still going, no final determination yet.

Family Medical Leave (“FMLA”)







-  Federal Law that requires *covered employers* to provide up to 12 weeks of unpaid, job-protected leave to *eligible* employees for certain family and medical reasons.



FMLA – cont.



-  **Who is a covered employer?**
-  Private employer with at least 50 employees
-  Government agencies (includes cities)
-  Public and private elementary and secondary schools

FMLA – cont.

Ⓜ Reasons for taking FMLA leave:

- Ⓜ Birth of a child or placement of a child for adoption or foster care;
- Ⓜ Care for a child, spouse, or parent who has a serious health condition;
- Ⓜ Employee's own serious health condition; and
- Ⓜ Family member's service in the military.



FMLA – cont.

FMLA ELIGIBILITY

To be eligible for FMLA benefits, an employee must ...



Have worked for at least

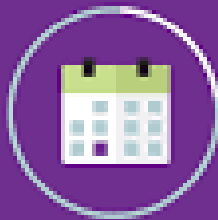
1,250 hours

over the previous 12 months before leave is to begin

Have worked for the employer for at least

12 months

(need not be consecutive)







Work at a location with at least

50 company employees

within 75 miles



Who is eligible to take FMLA?

-  Works for a covered employer;
-  Employee must have worked for a covered employer for at least 12 months
-  Worked at least 1,250 hours during the 12 months preceding the start of leave
-  Employed at a worksite where the employer has at least 50 employees within a 75-mile radius.

Americans with Disabilities Act






- ④ **Americans with Disabilities Act (ADA)**
 - ④ Prohibits discrimination against individuals with *disabilities* in all areas of public life, including jobs, schools, transportation, public and private places that are open to the general public.
 - ④ Purpose is to make sure people with disabilities have the same rights and opportunities as everyone else.

ADA
Americans with
Disabilities Act

ADA – cont.



Who is subject to ADA?

-  Employers with 15 or more employees;
 -  State and local governments;
 -  Employment agencies;
 -  Labor unions.
-
-  Cannot discriminate against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Fair Labor Standards Act of 1938



- ④ 29 U.S.C. 201, *et seq.*
- ④ Purpose – correct and eliminate the existence of conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers.
- ④ Major Provisions
 - ④ Coverage
 - ④ Minimum Wage
 - ④ Hours worked
 - ④ Overtime Pay
 - ④ Youth Employment
 - ④ Recordkeeping/Posting



Harassment, Discrimination, Retaliation



- ④ Employees will use these terms interchangeably, but each have legal definition:
 - ④ Harassment – unwelcome conduct in the workplace based on membership in a protected class.
 - Being a “jerk” doesn’t necessarily qualify as harassment.
 - Enduring the offensive conduct becomes a condition of continued employment, or
 - The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
 - Based on race, color, religion, sex (including sexual orientation, transgender status, or pregnancy), national origin, older age (beginning at 40), disability, or genetic information)
 - ④ Discrimination – suffer adverse employment actions due to membership of a protected class.
 - One form is “quid pro quo” where your employer conditions a promotion, continued employment or other employment benefit to their misconduct.
 - ④ Retaliation – employer takes an adverse employment action against an employee because the employee engaged in a protected activity.
 - Making a complaint
 - Taking job-protected medical or disability leave
 - Refusing to engage in illegal conduct



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Scan with your smart phone QR reader

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