

CITY OF KENNESAW, GEORGIA

PERSONNEL POLICY AND PROCEDURES MANUAL



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**CITY OF KENNESAW, GEORGIA
PERSONNEL POLICY AND PROCEDURES MANUAL**

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CITY OF KENNESAW, GEORGIA PERSONNEL POLICY AND PROCEDURES MANUAL

INTRODUCTION

The City of Kennesaw was incorporated on September 21, 1887. It is one of the oldest towns in Cobb County and was originally known as “Big Shanty.” Located 25 miles north of downtown Atlanta, the City covers 9 square miles and has a residential population of over 27,200.

In 1971, the citizens of Kennesaw adopted a Charter for their City. The charter sets forth the basic organization of the City, provides the legal municipal powers of the City and stipulates that employment be based on merit and regulated by personnel rules. The Charter, as amended in July, 1998, calls for a Mayor and five members of a City Council elected by the residents to govern the City. The Council approves the budget and adopts ordinances and resolutions establishing City laws and policies including personnel procedures. The Charter provides for a City Manager appointed by the Mayor and City Council to administer the affairs of the City. The City Manager is responsible to the Mayor and Council for enforcing City laws, implementing City policies, appointing and directing employees, and directing the day-to-day operations of the local government.

SECTION 1 PURPOSE

In accordance with Section 70.1 of the City’s Code of Ordinances, it is the purpose of these rules to establish normal policies and procedures which will serve as guides to administrative actions concerning the various personnel activities and transactions. They are intended to indicate the customary and the most reasonable methods whereby the aims of the personnel program can be carried out.

The first Personnel Code was written in 1971. The first Personnel Manual was published in 1992, when the Code was made a separate document from the Code of Ordinances. Personnel Code, of the Code of Ordinances of the City of Kennesaw, embodies the legislative authority and responsibilities for the administration of the personnel system of the City of Kennesaw. This manual is adopted by Ordinance in accordance with the Code of Ordinances.

The City's goal is to provide all employees: fair and effective management; competitive salaries and benefits; opportunities for personal growth and development; and a safe and pleasant work place.

This manual also outlines employee benefits provided by the City and provides general information regarding, among other items, the equitable/non-discriminatory standards for selection, classification and compensation; leaves of absence; and the fair and equitable settlement of disputes. The City is not granting to any employee any contractual commitment, expressed or implied, by the issuance of this manual. This manual should provide most of the information about employment with the City. Specific questions should be addressed to the employee's Supervisor or the Human Resources Director for the City.

SECTION 2 DEFINITIONS

For the purposes of these policies, the following words and phrases shall have respective meanings ascribed to them in this chapter:

ACTING means serving temporarily in a position with all the authority, responsibility and duties of that position.

ADVERSE ACTION Disciplinary action taken against a probationary or regular employee, for cause, that results in a disciplinary suspension without pay, a disciplinary demotion or a dismissal.

APPLICANT Any person who has filed an application for employment with the City in accordance with the provisions of these policies.

CITY means the municipal corporation of Kennesaw, Georgia.

CITY OFFICIAL The Mayor and members of the City Council are deemed to be “City Officials” for purposes of policies.

COMPENSATION means either monetary payment or compensatory time in lieu thereof.

COMPLAINT A statement made by an employee alleging that the employee’s employment or productivity has been adversely affected by unlawful discrimination.

DEMOTION: The movement of a regular, full-time employee or a new employee on probation to a position with a lower salary than that of the previous position and salary held by the employee.

DEPARTMENT HEAD means the employee appointed to administer a Department of the City, including the City Manager, Finance and Administration, Police, Economic Development, Building Services, Museum, Planning & Zoning, Public Works, Parks and Recreation, Recreation & Cultural Agency, Information Technology, Smith-Gilbert Arboretum, and the City Clerk's Office.

DESIGNEE The Mayor and Council’s or a Department Head’s officially designated representative responsible for administering the City’s or Department’s Policies, procedures, etc...

DISMISSAL A discharge or removal of an employee from employment with the City.

EMPLOYEE means all full-time and part-time paid personnel who are employed by the Mayor and City Council or the City Manager, except members of Boards, Commissions and non-employee Committees.

EXEMPT EMPLOYEE An employee in a position which is not required to receive overtime compensation for hours worked in excess of the standard work week (according to the Fair Labor Standards Act).

FULL-TIME EMPLOYEE means a person duly employed by the City in a position for which employment with the City is scheduled for more than 30 hours per standard work week.

HOURS OF WORK any normal workday in which a City employee actually works or would work under ordinary circumstances. Saturday or Sunday shall not be considered a workday unless the employee is scheduled on a regular basis to work Saturday or Sunday.

IMMEDIATE FAMILY An employee's spouse, parent, sibling, child, and grandparent. Also includes any of these persons of a step, in-law, and foster or adoptive relationship to the employee.

INTERNSHIP EMPLOYEE An employee in a position for a limited duration of time, normally not to exceed one (1) year.

MANAGEMENT means the Mayor and City Council, the City Manager, and Department Heads. Ranked employees above the rank of Sergeant are considered management employees.

MERIT PHILOSOPHY All persons in the classified service of the City, or seeking admission thereto, shall be employed, removed, promoted or reduced strictly on the basis of merit and fitness, or the lack thereof, for the service. All such action shall be taken wholly without favoritism or unlawful discrimination.

NEPOTISM means the practice of hiring relatives.

OPEN COMPETITIVE VACANCY A City position wherein announcement of a vacancy and acceptance of applications is solicited from current City employees and from the community at large.

OVERTIME means time worked in excess of the regular work schedule, approved by the Department Head, which is of a benefit to the operations of the City.

PART-TIME EMPLOYEE means a person employed by the City who works an average of 30 hours or less per standard work week.

PROBATIONARY PERIOD A six (6) month period of time for non-sworn employees in which a new employee or a promoted employee is being evaluated on their work performance in the new position.

PROBATIONARY PERIOD- PUBLIC SAFETY A six (6) month period of time for sworn police officers and a twelve (12) month period of time for non-sworn employees in which a new

employee or a promoted employee is being evaluated on their work performance in the new position.

PROMOTION The advancement of a regular, full-time employee to a vacant position with a higher salary and/or higher level of responsibility than the previous position and salary held by the employee.

PROMOTIONAL COMPETITIVE VACANCY A City position in which an announcement of a vacancy and acceptance of application is limited to regular, full-time employees of the City of Kennesaw.

REAPPOINTED EMPLOYEE A person who has been previously employed by the City in a regular, full-time position and who applies for employment with the City and is appointed again to a regular, full-time position. Unless otherwise stated, all conditions of employment for reappointed employees shall follow those of new employees.

REGULAR EMPLOYEE Describes the status of an employee who has been hired and given regular status after satisfactorily completing the probationary period (as required for regular, full-time employees).

SEASONAL EMPLOYEE means a person who has a position with the City, whether on a full-time or part-time basis which, by its nature, is temporary and is affected by a particular need or the availability of work at a defined time and is not meant to be continued from year to year. The duration is determined by the Department Head. Also, a temporary employee.

SEPARATION The resignation, constructive resignation or dismissal of an employee.

SICK LEAVE Paid leave accrued by regular, full-time employees to provide time off from work for bona fide illness or injury, temporary disability, and other medically related necessities for the employee or for the employee's spouse, parent, or child.

STANDARD WORKWEEK For City employees not exempt from the Fair Labor Standards Act (FLSA), the standard workweek is forty (40) hours (43 hours for public safety employees- road and detention officers) in a seven (7) day, 168 hour workweek.

SUPERVISOR means an employee appointed by the Department Head, or another level of management within the department, to oversee the operations of subordinate personnel for a work unit within the department (i.e., shift, crew, division) or the department.

SUSPENSION Means the temporary removal of an employee from the City for a period not to exceed ten (10) working days in one (1) calendar year.

SWORN EMPLOYEE means personnel of the Police Department who have taken the prescribed oath of office and have been granted full police powers with the City of Kennesaw, and may also

include anyone who has taken an oath to enforce the laws and ordinances governing their daily job duties.

TRANSFER: The lateral movement of a regular, full-time employee or new employee on a probationary status to another position with the same pay rate as that of the employee's former position.

VACATION LEAVE Paid leave accrued by regular, full-time employees to provide time off from work for vacation purposes or to attend to personal matters.

SECTION 3 ADMINISTRATION OF RULES

3.1 RESPONSIBILITY FOR ADMINISTRATION

The responsibility to establish rules and procedures with regard to city employment lies with the City Council of the City of Kennesaw.

Administration of these rules and regulations shall be the responsibility of the City Manager. The Human Resources Director shall have the day-to-day responsibilities of administering the rules and regulations as set forth herein. The City Manager shall interpret the rules and from time to time recommend to the City Council appropriate amendments in order to maintain a fair and equitable system of personnel rules and regulations.

3.2 DEPARTMENTAL RULES AND PROCEDURES

Department Heads may formulate written work rules necessary for the safe, efficient and effective administration of their department. These rules shall not supersede the provisions of this Manual nor shall they conflict with the provisions of these rules. A copy of all departmental rules shall be placed on file with the City Manager.

3.3 APPLICABILITY

The rules and regulations set forth in this Manual shall be applicable to all employees of the City except: elected officials; appointed members of Boards, Commissions and Committees; the City Manager; City Clerk; City Attorneys; and the Municipal Judge, who shall all, nevertheless, comply with all state and federal laws regarding equal employment opportunity, sexual harassment, and public records.

3.4 ELIGIBILITY FOR USE OF THE OPEN DOOR POLICY, LEAVE, HOLIDAYS, AND OTHER BENEFITS

Only full-time, regular employees shall be eligible for use of the disciplinary appeals process, leave, paid holidays and other city employee benefits. All employees may utilize the open door policy. Employees having seasonal, part-time, temporary full-time or temporary part-time work with the City are not eligible for fringe benefits, leave, paid holidays, nor the exercise of the disciplinary appeals procedure.

3.5 APPOINTING AUTHORITY

Appointing authority is the City Manager who shall appoint all employees of the City, except as otherwise provided by the City Charter, and the City Manager shall have the authority to dismiss, reduce in pay, discipline, or suspend without pay, any employee appointed by or under his/her supervisory direction as provided by or otherwise limited by the City Charter.

3.6 MANAGEMENT RIGHTS AND RESPONSIBILITIES

Subject to the City Charter and applicable Ordinances (Section 2-55), the Management of the City shall exclusively:

- a. Determine the nature, scope and definition of the city organization including: classification, pay plan, selection, number, retention, promotion, reorganization, transfer, deployment, assignment, layoff, recall and scheduling of employees.
- b. Determine the methods, means, tools and equipment, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
- c. Direct employees.
- d. Discipline, suspend, demote and/or terminate employees.
- e. Require as a part of normal employee development that an employee fulfill the responsibility of the position and attain or maintain minimal skills of his/her classification.
- f. Take the necessary measures to attain and maintain optimum productivity in operations.
- g. Determine the necessity for and assignment of overtime.
- h. Determine the scope, priority, and amount of budget allocations.

3.7 ADMINISTRATIVE RULES AND PROCEDURES

The City Manager shall promulgate and establish administrative rules and procedures based on the general policies outlined herein covering such areas as:

- a. hours of work/work schedules;
- b. pay plan and pay periods;
- c. performance appraisal systems;
- d. personnel records and reports;
- e. temporary work assignments and transfers;
- f. use of city vehicles and mileage reimbursement;
- g. outside employment;

- h. safety procedures;
- i. job related injury procedures;
- j. other related internal administrative personnel matters.

3.8 REFERENCE TO GENDER

Any reference herein to gender shall be construed to mean male or female.

SECTION 4 CLASSIFICATION PLAN

4.1 CLASSIFICATION OF POSITIONS

A comprehensive classification plan for all positions shall be established and approved by the Mayor and Council. The maintenance of the classification plan shall be subject to the provisions of these policies. The plan shall be based on investigation and analysis of the duties, qualifications, and responsibilities assigned to each position, and each position shall be assigned a range. The plan shall be developed after consultation with the supervisors in each department and other persons technically familiar with the character of the work. When complete, the classification plan shall include for each job an appropriate title, description of duties, responsibilities, and the education, training, experience, and other qualifications necessary to perform each job.

No city employee shall be classified nor paid at a pay rate which is not established and recognized in the City's classification and pay plans, except for employees serving under an approved employment contract.

4.2 JOB EVALUATION

The Human Resources Director, with the assistance of the Department Heads and approval of the City Manager, shall maintain a current Classification Plan including a job evaluation for each classified position which shall include a job title, job purpose, essential knowledge and skills, any special requirements, suggested training and experience and related information.

The job evaluations are descriptive and not restrictive and are intended to indicate generally the requirements for the established position. Job evaluations are utilized to measure and rank a job's relative worth for compensation purposes. The job evaluation process is also utilized to develop the job description and performance criteria designed to measure an employee's annual performance.

4.3 DEVELOPMENT OF NEW CLASSIFICATIONS OR POSITIONS

When, in the opinion of the City Manager, Department Head or the Human Resources Director, there arises a need to establish a new position (not previously existing in the classification plan), the Department Head shall complete a job questionnaire and provide a recommended job evaluation to the Human Resources Director. The City Manager shall review and approve all requests for new positions and refer the request to the Mayor and Council for final approval. Once the position has been approved and properly classified, a job description including the essential job functions and corresponding performance criteria for the position shall be developed by the Department Head and approved by the Human Resources Director.

4.4 RECLASSIFICATION

A job reclassification occurs when a job is moved to a different pay range because the essential job functions and/or requirements have significantly changed. The City Manager and the Mayor and Council may recommend changes to the existing job descriptions by adding new jobs or by changing the existing job descriptions.

In order to ensure jobs are evaluated correctly, a periodic review by the Department Head and the Human Resources Director shall be made. Annually, certain positions will be reviewed as selected by the Human Resources Director or suggested by the City Manager or a Department Head. If upon reevaluation of a position, it is determined that the position is still within the same pay range, no pay adjustment is required. If the position is reclassified to a new range, the pay will be adjusted to at least the minimum of the new range. Appropriate changes to job descriptions will be made to reflect the new essential job functions and performance criteria.

4.5 MAINTENANCE OF THE PLAN

a. New Position

Before a new classification is established or before a new position is filled, a job evaluation shall be approved by the Mayor and Council and incorporated into the existing Classification Plan. Likewise, an abolished classification shall be deleted from the Position Classification Plan. The Classification Plan shall be reviewed by the City Manager as required in the Code of Ordinances.

b. Review of Existing Position

An employee may request a review of his/her job evaluation. Specific requests must be addressed to the Department Head and all subsequent reviews of the position initiated by the Department Head. The employee will submit information to his/her Supervisor regarding why he/she believes the current job evaluation is not accurate. The information shall be reviewed by the Supervisor who will initiate a job questionnaire being completed by the employee including adding his/her own comments. The Department Head shall review the job questionnaire and add comments necessary and forward this document to the Human Resources Director. Any changes in the job description or performance criteria are required to be reviewed by the Human Resources Director. All changes in job evaluation which result in a change in the classification of the position requires the approval of the City Manager and the approval of the Mayor and Council. Once the position reclassification has been approved and properly classified, a job description including the essential job functions and corresponding performance criteria for the position shall be developed by the Department Head and submitted to the Human Resources Director.

SECTION 5 PAY PLAN

5.1 ESTABLISHMENT OF THE PLAN

The policy of the City of Kennesaw with regard to compensation shall be that decisions concerning compensation shall be based on individual job performance. Compensation established for a pay range is based on such factors as required knowledge, experience, training, decision making authority and responsibility, problem solving, supervisory responsibility, environmental working conditions and external market factors. Progression of an employee within the job range is based on individual productivity and performance. The pay policy is designed to stimulate excellence in both individual and organizational performance.

The City Manager is responsible for presenting to the Mayor and Council for approval a uniform and equitable pay plan which consists of pay ranges of minimum and maximum rates of pay for each job classification and provides reasonable progression in the pay range based on employee job performance. The compensation plan shall consist of two parts, a Salary Classification Schedule and the Wage and Salary Plan Step Schedule.

The pay plan shall reflect an equitable relationship among the job classifications and shall be made after review of prevailing rates for comparable work in other public and private business, the current cost of living, responsibilities of the position, and the budgetary policies of the Mayor and Council. At any time, the Mayor and Council can, by way of a resolution, amend the Salary Plan Step Schedule.

In addition to the City Clerk and City Manager, all Department Heads will have a copy of the Wage and Salary Plan for review by any employee at his/her request.

5.2 ADMINISTRATION OF THE PAY PLAN

Administration of pay rates within pay ranges on the basis of time in range and performance is the responsibility of the Human Resources Director with approval of the City Manager. All positions in the city service requiring similar qualifications and having similar duties and responsibilities shall be similarly compensated, insofar as possible, as established by the current classification plan.

The pay ranges will be competitive with the external market to the greatest extent possible within budgetary policies. Periodic review of the pay plan shall be made; including adjustments to correct significant discrepancies between the City's level of pay and market pay levels for certain jobs. Actual adjustment amounts will be based on the City's capability to pay the adjustments as determined by the Mayor and Council and approved in the annual city budget.

5.3 PAY PERIODS

Employees are paid on a bi-weekly basis, every other Friday. If a regularly scheduled payday falls on a City-observed holiday, employees will be paid on the last workday that precedes the holiday. Pay is one (1) week in arrears.

5.4 UNIFORM PAYROLL CHANGES

Any employee payroll changes will be effective the first day of a pay period. All Personnel Action Forms will also need to reflect such date. Any Personnel Action Forms that do not reflect such date will be returned for correction. This policy is instituted to eliminate extra time being taken to process more paperwork than is necessary and to make sure that all paperwork is handled in the same manner.

5.5 NEW EMPLOYEE PLACEMENT

Generally, a new employee shall be hired at the minimum rate in the appropriate range unless his/her qualifications are such that it is to the City's advantage to offer a higher starting pay. Hiring at an advanced rate shall be based upon years of experience or the skill qualifications of the individual and shall require the approval of the City Manager. Appropriate documentation by the Department Head that such action is to the benefit of the City shall be provided with the recommendation.

5.6 PROMOTIONS, DEMOTIONS AND TRANSFERS

1. Promotions

A promotion is the advancement of a regular, full-time employee to a vacant position with a higher salary and/or higher level of responsibility. Salary adjustments for employees who are promoted shall be determined by the City Manager.

Promotion vacancies are filled through a promotional competitive process and are available only to existing regular, full-time employees with the City.

2. Demotions

A demotion occurs when an employee is moved to a job evaluated at a lower pay range due to poor performance, employee choice, necessity of organizational change, or developmental assignment. An employee being demoted due to poor performance or employee choice will receive the lesser of a maximum ten percent (10%) reduction in pay or the reduction which adjusts the employee's pay to the new pay range maximum. The City will not reduce the pay of an employee who is demoted due to organizational change.

3. Transfers

A transfer is the lateral movement of a regular, full-time employee or new employee on probation to another position with the same salary or salary range as the employee's former position. The status and pay of the employee shall remain the same as previously existed. The transfer of an employee to a different department shall have the written approval of both department supervisors. All transfers shall be reported in writing to the City Manager.

An employee may be eligible for a step adjustment in pay after successfully completing a six months probation period in the new position after a transfer.

5.7 SERVICE ANNIVERSARY DATE

The service anniversary date of an employee shall be the date the employee begins work with the City of Kennesaw. The service anniversary date is used to determine the employee's eligibility for step adjustments. Current employees will have established service anniversary dates which shall remain in effect upon the adoption of this policy.

5.8 STEP ADJUSTMENTS

Advancement to a higher rate of pay of one step within an established range shall be called a step adjustment. All step adjustments shall be based upon the performance of the individual in the position measured against established job performance criteria. Such criteria may include level of knowledge, skills, ability, work traits, compliance with established city or departmental rules and regulations or any other criteria which are indicative of an acceptable level of performance.

Step adjustments may be granted only upon approval by the City Manager and after documentation by the appropriate Department Head, including, but not limited to, the most recently completed performance evaluation for the individual.

5.9 FREQUENCY OF STEP ADJUSTMENTS

A regular, full-time employee shall normally be eligible for a step adjustment once per year on the employee's service anniversary date (subsection 5.7). Adjustments to the Pay Plan, authorized by Mayor and Council, due to cost of living or other economic considerations shall not be considered to be Step Adjustments for the purposes of this Section.

5.10 INCENTIVE RECOGNITION PROGRAM

To recognize the performance, accomplishments and recommendations of City employees which contribute to safer and more efficient operations, improved customer service, or provide for financial savings or avoided costs for the City. Education and training that will benefit the city relating to safety, efficiency or cost savings will also be recognized.

The incentive will consist of compensation added to a single pay cycle. The incentive will not result in an increased hourly rate of pay.

The opportunity to grant an incentive to an employee must come from a written recommendation of a department head, Council Member, or any employee including the City Manager. The recommendation shall be submitted to the City Manager, who will initiate the review process. The review process will be based on the four criteria mentioned in the “Purpose” section above, and shall be completed within 15 days of submission of the recommendation.

A review panel comprised of the City Manager and two representatives of the Benefits Committee shall be established. Each representative will have an equal vote in the review process. The benefit committee representatives will be elected by the Benefits Committee and will serve a term of not more than 1 consecutive year on the review panel. The amount of the incentive will be based on the extent to which the employee has met one or more of the criteria of this program. An individual incentive can be in an amount up to \$ 10,000.00, with the specific incentive based on the judgment of the review panel.

5.11 PERFORMANCE MANAGEMENT

1. Frequency of Reviews

Performance reviews for a city employee, utilizing the job description and performance criteria, shall be conducted during the employee’s probationary period at six (6) months and for commissioned personnel at the one (1) year anniversary of employment. Thereafter, performance reviews shall be conducted at least once annually within thirty (30) days of the employee's service anniversary date. An evaluation may, however, be conducted more frequently at the discretion of the Department Head or at the request of the Human Resources Director. Normally, no step adjustment shall be granted unless a performance evaluation has taken place within thirty days prior to the effective date of the increase.

2. Annual Evaluation Period

Annually, at the beginning of the employee’s annual evaluation period, or in the event of significant change in the City’s or department’s goals, the immediate supervisor shall conduct a performance evaluation with the employee to discuss the essential job functions, the individual employee’s, the City’s and the department’s performance goals and the employee’s job performance criteria.

Any changes in the existing job performance criteria shall be recorded on the job description form and approved by the Department Head and the Human Resources Director before taking effect.

3. Annual Evaluation and Counseling

The employee's immediate supervisor will regularly monitor the employee's performance and on a periodic basis conduct an annual evaluation meeting with the employee utilizing the appropriate forms to document individual performance. Nothing in this policy shall prohibit a supervisor from conducting an employee evaluation or performance review more frequently than annually.

4. Completion of the Annual Evaluation Period

Thirty (30) days prior to the completion of the annual evaluation period, the supervisor shall complete the performance evaluation form in the most objective manner possible based on the performance data collected throughout the year, and the established performance criteria for the position. The immediate supervisor shall assign a total performance score which shall be reviewed and approved by the Department Head. The supervisor shall meet with the employee and discuss the evaluation and future areas of development. The employee shall be given an opportunity to provide written comments and sign the form. The Department Head shall review and approve the form. A copy is provided to the employee and the original forwarded to the Human Resources Director with a completed personal action form.

SECTION 6 QUALIFICATIONS FOR EMPLOYMENT

6.1 EQUAL OPPORTUNITY

The City of Kennesaw is committed to maintaining a work environment that is free of unlawful conduct. In keeping with this commitment, we will not tolerate harassment, unlawful discrimination, or other unlawful treatment of employees by anyone, including any elected official, supervisor, coworker, vendors, client or customer of the City. The City provides equal employment opportunities for every employee and applicant without regard to race, religion, creed, color, sex, age, national origin, disability, or any other legally protected status, except where such factors constitute a bona fide occupational qualification.

No person seeking employment or promotion shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with an employment test, appointment, proposed appointment, promotion or proposed promotion.

Violations of this policy will not be permitted and may result in discipline up to and including dismissal. A complaint of unlawful discrimination may be filed by an employee if that employee believes that they have been discriminated against in their employment with the City. A complaint shall be filed, in writing, directly with the City Manager, City Council, or the Human Resources Director designated to handle and investigate complaints involving unlawful discrimination.

6.2 NEPOTISM

The following definitions apply to this policy:

affinity means related by marriage or having a relationship by marriage
consanguinity (eous) means of the same blood or descended from the same ancestor.

Nepotism is the practice of hiring of relatives.

It shall be the City's policy that no relative within the first and second degrees, by consanguinity, affinity, or adoption, to any elected or appointed official of the City of Kennesaw shall be employed in any capacity by the City.

No relative within the first and second degrees, by consanguinity, affinity, or adoption, to any full-time City employee may be employed in the same department.

Degrees of kindred shall be determined by consulting the English Background of Degrees of Kindred according to Civil Law. If further clarification is required, the City Attorney shall render a decision.

Degrees of kindred to the employee by blood, marriage, or adoption:

1 st degree of relatives	spouse, children, and parents.
2nd degree of relatives	grandparents, grandchildren, brothers and sisters, direct in-laws.
degree of relatives	great grandparents, great grandchildren, uncles, aunts, nephews and nieces.
degree of relatives	great, great grandparents, great great grandchildren, great uncles, great aunts, first cousins, grand nephews and nieces.

Approved by M&C 3/1/04

This policy applies only to employees hired after the adoption of this manual pursuant to the City of Kennesaw Code of Ordinances.

6.3 RESIDENCY REQUIREMENTS

There shall be no City residency requirement for any city employee at the time of his/her employment or during the term of his/her employment unless otherwise provided by the City Charter or Ordinance.

SECTION 7 APPOINTMENTS AND VACANCIES

7.1 FILLING OF POSITIONS

Department Heads shall notify the Human Resources Director as far in advance as possible of any requirements for authorized personnel, setting forth such information as requested to facilitate the filling of the position.

The Human Resources Director shall administer application and testing procedures, as approved by the City Manager. The Human Resources Director shall certify qualified applicants to Department Heads for interview and recommendation. The Chief of Police may determine the appropriate application and testing procedures for commissioned personnel, subject to the approval of the City Manager.

Department Heads shall recommend to the City Manager the appointment of the certified applicant acceptable to his/her employment.

Once an employment recommendation is approved by the City Manager an offer of employment may be made.

7.2 EMERGENCY APPOINTMENTS

When a vacancy occurs in a position which is necessary to carry out City business without interruption and no suitable list of candidates exists for selections the Department Head may appoint an employee in an acting capacity with the approval of the City Manager. In the event of a Department Head vacancy, the City Manager may appoint an acting Department Head to fill the position. The duration of the appointment shall not exceed three months.

7.3 PUBLICITY

The Human Resources Director shall determine the nature and extent of publicity required to obtain a reasonable number of qualified applicants for each vacancy. All positions shall be announced to the public through standard announcement form, and/or by posting on city bulletin boards or by mass media advertising, at least seven calendar days in advance of the last date for filing applications. Internet advertisers may also be used for posting open positions. Vacancies which can be filled through promotion shall be announced, to eligible current city employees on city bulletin boards for at least seven calendar days prior to the application closing date. Job announcements with "open" application submission dates must remain open at least seven calendar days, and may be closed by the Human Resources Director when sufficient applicant response has been achieved.

7.4 APPLICANT SCREENING PROCESS

The screening process for an applicant shall include an oral interview, evaluation of experience, education and training, and a reference check. The process may also include, but not be limited to, one or any combination of the following as determined by the Human Resources Director in consultation with the Department Head and City Manager:

- Written examinations
- Performance evaluations
- Medical examinations
- Substance Abuse Screening
- Psychological evaluations/intelligence tests
- Background investigations
- Physical agility-dexterity tests
- Motor Vehicle Report (MVR)

Reasonable measures shall be taken by the Human Resources Director to confirm the reliability and validity of the various screening processes.

An applicant's work history and education record may be investigated for the purpose of verifying the statements contained in the application. The City may also ask the applicant to supply professional and/or personal references regarding their qualifications for the job. The results of these findings shall be used to evaluate the applicant.

TESTING AND PHYSICAL EXAMINATION

In addition to the application review, the City Council or designee may require applicants to complete an interview and/or test as part of the evaluation process.

Pre-employment drug testing shall be required as well as post-offer (conditional employment) physical examinations, in accordance with the Americans with Disabilities Act of 1990. Medical examinations to applicants are administered only after a conditional offer of employment has been extended and when all entering employees in a particular job classification are subjected to such exams, (e.g. Patrol Officer) regardless of disability, and to potential employees only when justified by job-related necessity. If physical examinations are required, all finalists for vacancies within the respective occupational group will be required to undergo a physical examination after a conditional offer of employment has been extended. A qualified physician (selected by the City and at the City's expense) who shall certify whether the employee is able to perform the essential duties of the job for which they have applied shall perform such examination.

Applicants who are not able to perform the essential duties for the respective job as determined by the attending physician, shall be disqualified from the respective position.

Note: Employee personnel records are subject to the Open Records Law under O.C.G.A. § 50-18-72.

MOTOR VEHICLE REPORT (MVR) POLICY

In addition to all of the above detailed hiring policies and procedures, employees hired in positions that require them to drive a City vehicle will be requested to provide or give the City Personnel Department permission to acquire their motor vehicle driving record for the past seven (7) years, as per the MVR policy below.

I. PURPOSE

To establish a guideline to use in evaluating the driving records of applicants and employees holding positions which include driving as an essential job function, in order for the City to reduce accidents, reduce cost resulting from accidents, and enhance safety.

II. SCOPE

Employees in positions that include driving as an essential job function, applicants for these positions, employees transferring or being promoted into these positions, and employees furnished a City vehicle.

III. PRODECURES

A. Obtaining motor vehicle reports (MVR)

1. Any applicant for a position where driving is an essential function will have a MVR run on him/her as part of the hiring procedures. The Personnel Department will request these and provide information to the hiring department. An applicant must hold the required license for the position applied for. After meeting all qualifications for the position, the applicant can be made a conditional offer of employment, which states that the hiring of the individual is contingent upon the applicant having a satisfactory MVR, per this policy. As soon as the MVR report is received, the recruiter calls the hiring manager to notify him/her of the results.

NOTE: No final offer of employment with the City of Kennesaw may be made for a position that includes driving as an essential job function until a favorable MVR is received by Personnel and the hiring manager is so notified.

2. For employees with a commercial driver's license (CDL), the State of Georgia requires that Third Party License Examiners (i.e., the Human Resources Director) shall maintain the MVR's on annual basis on employees to who have taken the road skills test.
3. Driving records of any City employee whose essential job functions include operating City vehicles or who has been provided a City

vehicle will be checked at least every year. The Risk Management Division will obtain the employee's MVR with the assistance of the Personnel Department. All records will be submitted to the employee's department head for review and will be maintained as part of the employee's department personnel file.

4. Any employee whose MVR is to be obtained must sign a written release. Alternatively, an employee at his/her own expense may provide his/her own MVR within five (5) days of being requested to do so to his/her department head. An employee who refuses to provide the release form or who refuses to obtain his/her own MVR, will be suspended without pay for a period of up to five (5) days and will be terminated after that time if a written release and/or the employee's own MVR is not provided.

B. Review of MVRs and employee's duty to report violations.

1. The department head shall review all vehicle-related violations, whether occurring on or off the job, which subject the employee to fines or assignment of points to the individual's MVR by the state or local authorities.
2. In reviewing an employee's MVR, the department head shall evaluate both "on the job" and "off the job" traffic violations. Any employee who has been cited with a citation, had his or her license suspended, restricted, or revoked for any reason, whether on personal time or during work hours, must report it to the employee's department head immediately. No employee shall be allowed to drive when his/her license has been suspended, restricted, or revoked. The department head will take appropriate disciplinary action and document the driver's personnel file. Any employee who fails to report a violation will be subject to disciplinary action, up to and including termination, as determined by the department head.

C. Disciplinary actions

Any City employee who has an accumulated record of offenses will be subject to disciplinary action. Any offenses or violations resulting in the loss, restriction, or suspension of a license that affects an employee's ability to perform any essential job function may result in the employee's suspension or removal from that position.

Guidelines

<u>Total Point Levels within a one year period</u>	For Applicants	For Employees
5 - 10 Points	Eligible for Hire; however must be given oral and written caution by the department head regarding their driving.	Written reprimand
11 or more points	Not eligible for hire in a position that includes driving as an essential job function	Suspension and removal from driving position; or termination.
Any single offenses which results in the suspension, restriction, or revocation of a license.	Not eligible for hire in a position that includes driving as an essential job function	Suspension and removal from driving position; or termination

IV. Authorized/Unauthorized Uses of Vehicles

Vehicles owned by, titled to or otherwise controlled by the City are authorized for use in performance of all essential travel and transportation duties. Unless specifically excluded under this Policy, use is not authorized for unofficial travel duties or tasks, the transport of unauthorized persons or items, or the performance of tasks outside the rated capabilities of the vehicle. When in doubt, the deciding criteria should be the nature of the travel task, the extent to which the task is defensible in the event of public criticism or questions by higher authority. The two uses are listed:

Authorized Use:

- The performance of law enforcement duties.
- When on official travel status, between place of official business and place of temporary lodging.
- When on official travel status and not within reasonable walking distance between either of the above places and:
 - a. Places to obtain meals.
 - b. Places to obtain medical assistance, including drugstore.
- Transport of officers, officials, employees, clients or guests of the City.
- Transport of consultants, contractors, or commercial firm representatives when in direct interest of the City.
- Transport of material, supplies, equipment, parcels, baggage or other items belonging to or serving the interest of the City.
- Transport of any person or item in an emergency situation.

- Commute between place of dispatch or place of performance of official business to personal residence when specifically authorized by provisions stipulated herein.
- “De Minimis” personal use such as lunch or an occasional stop for a personal errand on the way between a business delivery location and the employee’s home.

Unauthorized Use:

- Travel or task performance of a personal nature, except for commuting and “de minimis” personal use, not connected with the accomplishment of official business.
- Travel or task performance beyond the stated capabilities of the vehicle.
- Transport of families, friends, associates or other persons who are non-employees of the City or who are not serving the interest of the City, except for vehicles deemed “Exclusive assignment – Unrestricted.”
- Transport of hitchhikers, except in the case of law enforcement personnel.
- Transport of items or cargo having no relation to the conduct of official business.
- Transport of acids, explosives, weapons, ammunition or highly flammable material except in an emergency, police situation, or performance of an authorized task in the normal performance of duties.
- Transport of any item, equipment or cargo projecting from the side, front or rear of the vehicle in such manner as to constitute a hazard to safe driving.
- Extending the length of dispatch beyond that required to complete the official business purpose of the trip.
- Transportation between place of residence and place of employment, other than as specified in the policy.
- Outings except planned official City activities.
- Loan of vehicle for use in non-city authorized functions.

Unless approved by the City Manager, no one other than a City employee, who is defined as operating within the scope of their employment, is permitted to drive a City vehicle.

V. Vehicle Assignment

The City Manager or his or her designee is responsible for approving all vehicle assignments. Vehicle assignments for business purposes may be categorized in the following manner:

1. Exclusive Assignment – Restricted
2. Exclusive Assignment – Unrestricted
3. Eight-Hour Assignment
4. Personal Vehicle

Exclusive Assignment – Restricted is defined as the authorized use of a City vehicle by a designated City employee/position for the purposes of efficiently and effectively performing City business and encompasses commuting to and from home and “de minimis” personal use.

Exclusive Assignment – Unrestricted is defined as the assigned, unrestricted use of a City vehicle on a 24-hour basis within the Metropolitan Atlanta area; assignment is limited to specific positions within the City of Kennesaw whose response time to urgent immediate needs of law enforcement or public safety duties and responsibilities are essential. Any other changes must be approved by the City Manager.

Eight-Hour Assignment is defined as the assigned use of a City vehicle by a designated employee/position for the efficient and effective performance of City business during the respective employee's normal work schedule. Such assignment allows for use of the City vehicle for all authorized uses with the exception of commuting between normal work site and personal residence.

Personal Vehicle use is allowed in the performance of City business when a City vehicle is not otherwise appropriate or available.

Exclusive assignment authorized following the effective date (9/7/05) of this policy shall not be granted to individuals whose commute from their residence to their normal work site exceeds 25 miles one-way for non public safety personnel and 45 miles one-way for public safety personnel. All take-home/commute privileges granted to individuals prior to the effective date of this policy which exceed 25 miles one-way shall remain authorized and in force at the discretion of the City Manager or his/her designee.

1. EXCLUSIVE ASSIGNMENT – RESTRICTED

Exclusive assignment of a vehicle is expressly prohibited except with special approval. As a general rule, vehicles should be driven to a place of residence only when it is economically advantageous and in the best, operational interest of the City. Recognition must be given to the wide diversity of functions and responsibilities of the various personnel. Minimally, the following guidelines shall apply in approving such assignments:

- A. Employee is subject to call for work at any hour due to emergencies. (Also applies to emergency standby vehicles driven home on a rotating basis by more than one employee.)
- B. Employee must report to a project or work site rather than to his assigned office, provided such practice is in the best interest of the City and the function being performed.
- C. Employee is a law enforcement officer or assigned to special investigative work and routinely called out for public safety reasons.
- D. Employee is on temporary assignment outside his normal assigned area.
- E. Employee is a key administrative person who is responsible for projects requiring call back or routinely is required to attend and participate in various functions/meetings after hours and on weekends, and is a supervisory person not reimbursed for overtime work. Justification must include nature of work or type of meetings and frequency of same.

- F. Employee is a field technician and/or supervisor to carry large quantities of tools, equipment or materials that cannot be conveniently loaded and unloaded each day, and appropriate security measures are not available. Another element here may be efficiency, where it is more productive and economical for a crew supervisor to pick-up and deliver a crew directly to a work site rather than to the normal work location.
- G. Critical shortage of parking facilities, which would necessitate leasing additional space for parking City vehicles.
- H. Other circumstances not anticipated herein where the City Manager or his/her designee, or the respective elected official determines that exclusive assignment is in the best interest of the City.

2. EXCLUSIVE ASSIGNMENT – UNRESTRICTED

Unrestricted use of Public Safety vehicles by specifically authorized personnel is allowed. Such unrestricted use must encompass an urgent and immediate need to respond to Public Safety duties and responsibilities where response time is essential.

Assignments of this nature are restricted to use in the Metropolitan Atlanta area. Individuals to whom these vehicles are assigned must, at all times, be able to communicate with their respective department by radio or telephone, and are considered to be on duty twenty-four hours a day, although relieved of the routine performance of duties when not scheduled to be at work.

All such assignments must be justified/recommended by the City Manager.

The following uses shall be specifically authorized for Exclusive assignment – Unrestricted assignments:

- Travel of a personal nature.
- Transport of families, friends, associates or other persons except when responding to or performing official City business or duties.
- Transporting items or cargo having no relation to conducting official City business.

3. Eight-Hour Assignment

An eight-hour assignment of a City vehicle may be approved when:

- A vehicle is needed and used extensively each working day.
- The need for a vehicle or use does not meet the criteria of “Exclusive Assignment.”
- It is less expensive to furnish a vehicle than to reimburse mileage based on the number of miles traveled.

- The nature of the work may cause unusual depreciation and wear on a personal vehicle.
- A vehicle other than a passenger car is required i.e., a vehicle equipped with special communication gear, or one which is needed to carry construction or specialty equipment, apparatus or gear to perform a job.

4. Department Pool Assignment

City vehicles not assigned to a specific employee/position are designated as Department Pool Assignment vehicles. These vehicles are to be utilized by department personnel as directed by the Department Head or his/her designee. Department Pool Assignment vehicles may be used by department personnel for out-of-town travel on City business or as eight-hour assignment vehicles on a temporary basis (less than one week) when approved by the Department Head.

5. Personal Vehicle

- Approved officials or employees who use their personal vehicles for City business may be reimbursed on a per mileage basis. Mileage for transit between home and work and between work and lunch does not qualify for reimbursement.
- Accurate and substantiated mileage records must be maintained and submitted to the Finance Department for reimbursement.
- The “Mileage Reimbursement Request” (or “Travel Expense Statement”) shall be signed by the employee requesting the reimbursement and the Department Manager. Reimbursement shall be filed with the Finance Department. The Finance Director may employ any reasonable means of checking the validity of mileage reimbursement requests.
- This type of assignment shall be considered when a vehicle is needed occasionally and other types of assignments are not available to the official or employee.
- The person’s private vehicle may be used and mileage will be reimbursed at the current federal allowable rate.

The City Manager, his/her designee, or the respective elected official is responsible for assessing functional needs and approving assignments within the parameters of this Policy.

All assignments, including Personal Vehicle Assignments, are subject to the monetary limitations imposed by the City of Kennesaw Mayor and Council as part of the annual budget process.

VI. Driver Responsibilities

All drivers who operate vehicles owned by, titled to or otherwise controlled by the City are responsible for proper care, use and safety of City property. Drivers must adhere to the following minimum responsibilities:

- Possess and maintain valid Georgia Driver's License approved for the class appropriate for the vehicle.
- Practice safe driving by observing all Public Safety traffic laws and driving courtesy.
- Wear seat belts (drivers and passengers) at all times.
- Ensure that vehicles are used for authorized purposes only.
- Ensure that vehicles are maintained within manufacturer's safe operation standards.
- Use City facilities for fuel, oil and related services.
- Report to supervisor any damages or breakdown of vehicle equipment immediately.
- Follow established accident reporting procedures.
- Accept legal responsibility for violations and fines resulting from action of driver.
- Adhere to vehicle operations control procedures.
- Refrain from transporting excessive loads of unsecured luggage, equipment or other moveable items.
- Pay for parking of City vehicles in situations where reserved spaces are not provided. Violators are personally responsible for tickets and other fines resulting from illegal parking or storage of vehicles.
- For those vehicles assigned on a 24-hour basis and driven to and from a place of residence, off-street parking shall be used if available.
- Any use of a cell phone while driving a City vehicle shall be conducted with extreme caution. Hands-free cell phone use is mandatory, i.e. all cell phone use while operating a City vehicle shall be with an ear-piece or headset. Drivers will be personally responsible for any fines or legal responsibility resulting from accidents or citations caused by cell phone use while driving City vehicles.

VII. Motor Vehicle Record

Employees hired in positions that require them to drive a City vehicle will be requested to provide or give the City Personnel Department permission to acquire their motor vehicle driving record for the past seven years.

Employees that have job descriptions that do not require them to drive a City vehicle, but are asked to drive a City vehicle by their supervisor or Department Manager, will provide their Department Manager a copy of their MVR by signing the Department of Public Safety Request for Motor Vehicle Report Form before they are allowed to drive.

Employees that drive or may drive City vehicles are required to attend the Risk Management Defensive Driving Class.

- a. New Hires First available class, not to exceed 180 days after hire date
- b. Other Employees Attend at least once every three years

Motor Vehicle Records will be obtained on employees every year if their job descriptions require them to drive a City vehicle or they are occasionally asked to drive City vehicle by their supervisors.

If violations are noted on the employee's MVR, Department Heads are to call the City Manager for guidance before allowing employee to drive.

VIII. Commercial Vehicle Use

A Commercial vehicle is identified by class, weight and/or use. **NO EMPLOYEES ARE TO DRIVE A COMMERCIAL VEHICLE WITHOUT A COMMERCIAL DRIVERS LICENSE REFERRED TO AS A CDL.** You must have a CDL to operate the following vehicles.

- a. A single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds.
- b. A trailer with a GVWR of more than 10,000 pounds if the gross combination weight rating is more than 26,000 pounds.
- c. A vehicle designed to transport more than 15 people (including the driver.)
- d. Any size vehicle which requires hazardous material placards.

For additional CDL information call the Human Resources Director.

IX. Use of Commercial Equipment

- Anytime a commercial truck is parked, the brakes must be set and the wheels chocked.
- Trucks with dump beds will not be raised during idle time.
- Drivers must perform pre-trip inspection on their truck and equipment before leaving the yard. Checklists include lights, turn signals, air brake check, safety equipment, tires, air hoses and connections.
- Drivers must keep the cab free of debris such as paper, rags, and loose objects such as tools.

Off Road Equipment

- All off road equipment shall have appropriate fire extinguisher.
- If equipment is to be left at work site, leave in a lighted area if possible to help prevent vandalism.
- Employees must be properly trained before operating heavy equipment.

For any of the following reasons, the City Manager or Department Head may disqualify an applicant as part of the application review.

- 1) It is found that the applicant does not meet the minimum qualifications required for the job;
- 2) The applicant has made a false statement of material fact in the application;
- 3) The applicant has used or attempted to use political pressure or bribery to secure an advantage in the recruitment and selection process;
- 4) The applicant has failed to submit the application correctly or within the prescribed time limit;
- 5) The applicant has previously been separated from the City for cause; or
- 6) The applicant has been convicted of a felony or a crime involving moral turpitude;
- 7) The applicant is disabled or inhibited to an extent which would render the individual unfit for full performance of the duties as established for the position, even if reasonable accommodation is available or offered;
- 8) The applicant has been found to have conflicting interests or a personal history which may impair or compromise total effectiveness in a given classification including, but not limited to: criminal background; narcotic or alcoholic addictions; and/or personal business interests;
- 9) The applicant has presented an application and has failed to sign the application form;
- 10) The applicant requests that his or her application be withdrawn from consideration;
- 11) An ample number of better qualified candidates are available for the position.

7.5 TRANSFERS

A current city employee who meets the minimum qualifications for a classification in which a vacancy exists may request a transfer.

A transfer is defined as a lateral reassignment of an employee to another department.

An employee observing his/her first probationary period is not eligible to request a transfer, unless specifically approved by the City Manager under special circumstances. Any transfer has to be approved by the receiving Department Head.

The Human Resources Director shall keep a list of city employees who have requested a transfer to another department and shall communicate the names of those interested in and qualified for a vacancy at the request of a Department Head to fill an applicable vacancy.

7.6 REEMPLOYMENT OF A FORMER CITY EMPLOYEE

A former employee shall be required to compete for a position with any other qualified applicants. Former City employees re-appointed to regular employment with the City shall be required to serve a six-month probationary period.

Former City employees (with at least one year of previous regular, full-time continuous service with the City) who are re-appointed to regular, full-time employment with the City shall retain their previous tenure with the City for the purposes of calculating retirement benefits in the City's retirement plan. Only years of service since 1980 will be credited to a former regular employee's vested retirement benefits.

7.7 DEMOTIONS

A demotion is the movement of an employee to a position with both a lower salary and lower level of responsibility.

An employee may be demoted to a position on a voluntary basis or on an involuntary basis. An individual's employment status shall not change with the demotion, although their rate of pay will be reduced as determined by the City Manager.

7.8 PART TIME/TEMPORARY/SEASONAL/INTERNSHIP APPOINTMENTS

A supervisor and/or department head may request that the City Manager approve a part – time regular or internship position. Internship appointment shall be for a limited duration of time, normally not to exceed one year. A supervisor and/or department head may be granted the authority to appoint part-time or internship employees by the City Council provided that the part-time and temporary positions have been budgeted and authorized by the City Council.

The acceptance or refusal of a part-time or internship employee shall not affect an applicant's eligibility for regular, full-time appointment. A person hired for a part-time or internship position does not qualify for the benefits conferred through these personnel policies.

7.9 PROMOTIONS

A promotion is the advancement of a regular, full-time employee to a vacant position with a higher salary and/or higher level of responsibility.

All vacancies shall, whenever possible, be filled by promotion of a qualified employee within the city service. The Human Resources Director shall review the qualifications of employees who are receiving salaries lower than that of the class in which the vacancy exists and any applicable transfer requests to determine which employees will be eligible for consideration. A probationary employee is not eligible for promotion. A notice of the position shall be posted and distributed to the Departments.

7.10 PROBATIONARY PERIOD

The probationary period shall be regarded as an integral part of the screening process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

Every person transferred, promoted, appointed or reappointed to a full-time position with the City shall successfully complete a probationary or qualifying period of six months' duration. The employee's status as a regular, full-time employee in their former position shall remain in effect during this probationary period. Due to the unique responsibilities and the complexity of the

duties associated with the position of a police officer, non POST certified police officers shall customarily complete a 12-month probationary period, six-months of which must follow completion of the required Georgia P.O.S.T. Council Basic Mandate Course, to allow for complete training and evaluation of the employee. *See vacation table in section 11.2 for vacation schedule.*

Approved 10/1/08

The probationary or qualifying period shall begin immediately upon appointment to a full-time position. The probationary period shall not be deemed to be successfully completed until the employee is notified, in writing, by the City Manager that he/she has been released from probationary status. Such notice shall not be unreasonably withheld and cannot be denied beyond ten days following the six month or one year anniversary date of the employee.

The probationary period may be extended, if deemed necessary by the Supervisor or Department Head, to further evaluate the progress of a newly hired or appointed employee. In either case, the department head will notify the employee (in writing) and will put a letter in the employee's file with supporting documentation provided by the Department Head, after review and approval by the City Manager.

Time spent in an acting capacity prior to receiving a permanent appointment to the same classification and department shall be considered as time spent as a probationary employee in that position.

If an employee fails to perform satisfactorily during the probationary period, the employee shall be eligible for appointment to a position that is comparable to the previous position held prior to the promotion, if such a position is available.

An employee serving his/her first probationary period may not utilize sick leave until after 90 days of continuous service.

7.11 TERMINATION DURING PROBATION

At any time during the initial probationary period the Department Head, with the approval of the City Manager, may terminate an employee, with or without cause and with or without notice. An employee terminated during his/her initial probationary period cannot appeal such action.

An employee promoted into a position who does not successfully complete a probationary period may be demoted to his/her previous or similar classification, provided such position is vacant and authorized. If such a position is not available, the employee may be placed on priority reemployment or transfer lists for a position for which the employee is qualified, at the written request of the employee.

7.12 EDUCATION INCENTIVE PROGRAM

The City of Kennesaw recognizes that educational achievement plays a vital role in cultivating and maintaining professional staff at all levels of the organization. To further motivate City

employees to pursue higher education and to recognize the accomplishments of City employees who further their education by earning a degree, the city is implementing an Education Incentive Program.

This plan will become effective October 1, 2006. The incentives will be provided in the form of a pay increase as follows:

- Associates degree – 2 ½ % increase
- Bachelors degree – 5% increase
- Masters degree – 7 ½ % increase
- PhD, Juris Doctor (J.D.), or other professional degree – 10% increase

Also effective October 1, 2006, current employees holding degrees will be compensated for their current degree with a one-time adjustment equal to the values outlined, as budget availability allows. Starting salaries for all employees hired following October 1, 2006, will reflect compensation for any degrees held.

Only those degrees from accredited colleges or universities will be considered. In order to be accredited, an institution must have full accreditation or be a candidate for full accredited status by an accrediting association, commission, or body recognized by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA).

If an employee has a degree but obtains a higher degree the increase will be the difference from the initial degree to the newly earned degree.

SECTION 8 HOURS OF WORK AND ATTENDANCE

8.1 HOURS OF WORK

The hours during which offices will be kept open for business shall be determined by the City Council. The number of hours per week or per month for full-time employment for each classification shall be considered an integral part of the pay plan, which shall specify the full-time work schedule for regular office, field, police, and recreation employees.

8.2 SCHEDULING HOURS OF WORK

All Departments shall observe and keep office and working hours necessary for the efficient transaction of services. The Department Head with the approval of the City Manager shall determine appropriate hours of work in keeping with the policy established by the City Council. Full-time employees will generally be scheduled to work 40 hours (43 for public safety personnel) in a seven day pay period. Police personnel will be scheduled to work according to the established Police Department scheduling policy.

A regular, full-time workweek will be defined as 40 actual hours worked with a designated start time and end time determined by the Department Head or designee, with one hour allotted for a lunch break and two fifteen minutes breaks, one in the morning and one in the afternoon. This standard workweek may differ greatly for police department employees. Public Safety personnel should refer to the Standard Operating Procedures.

All employees shall be checked/clocked in and ready to begin their workday promptly at the designated start time. If an employee is not checked/clocked in at such time, he/she will be docked as determined by the Department Head. The time frame in which an employee may take his/her lunch during a workday must be arranged with one's supervisor and is not to interfere with the reasonable needs of the public in performing a high level of customer service and the ability of the City to conduct business.

8.3 (A) ATTENDANCE

Employees shall be on time and in attendance at their work in accordance with these rules and departmental regulations. All departments shall keep attendance records of employees which shall be reported to the Human Resources Director on the form and on the dates specified.

8.3 (B) ABSENCE WITHOUT LEAVE

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave under the provisions of these rules shall be deemed to be an absence without leave. Any such absence shall be without pay and, in addition, may be subject to disciplinary action. Three consecutive working days' absence, which is not explained satisfactorily to the Department Head, may be deemed cause for discharge. A supervisor

may request a copy of doctor note at any time if deemed necessary and is required after 3 days of absence.

8.3 (C) PUNCTUALITY AND REGULAR ATTENDANCE

Punctuality and regular attendance are essential if the City is to accomplish its objective of providing efficient services to the public. If an employee is unable to arrive at work on time, he/she is either to notify his/her Supervisor or make arrangements for someone else to contact the Supervisor as soon as possible in accordance with established departmental rules and regulations. This will allow the Supervisor time to rearrange the work schedule with minimum possible inconvenience. Punctuality and attendance play an important role in an employee's probational, step and promotional reviews.

In instances where tardiness is unavoidable, or weather conditions preclude timely arrival at work, it is the Supervisor's responsibility to arrange for the employee to make up lost time.

Excessive tardiness will result in disciplinary action up to and including termination from employment.

8.4 OVERTIME

It is the policy of the City to avoid the necessity for overtime work. When overtime work is necessary and consistent with protection of the lives and property of the citizens of Kennesaw, and the efficient operation of the several departments, such overtime shall be authorized in advance by the Department Head but shall be kept at a minimum. Overtime or compensatory time, except for exempt employees, will be granted in accordance with the FLSA (Fair Labor Standards Act).

Overtime pay for non-exempt employees must be authorized by the Department Head or City Manager. In such an event, overtime shall be paid at the rate of: 1) one and one-half (1.5) times the non-exempt employee's regular rate of pay; or 2) compensatory leave on a time and a half (1.5) basis shall be granted to the employee after an employee has worked over 40 actual hours worked in one week (86 actual hours worked for sworn personnel and jailers). Compensatory leave shall not be accumulated in excess of 480 hours for public safety employees or 240 hours for all other non-exempt employees.

Any time an employee works overtime during a holiday week, they will be paid 1-1/2 times their normal rate of pay, for any time over forty (40) hours (86 actual hours worked for sworn personnel and jailers), recognizing the holiday for the purposes of this section as time worked.

If a holiday falls on a police officer's or dispatcher's regular day off and circumstances necessitate that he work overtime on that holiday due to the need to maintain necessary manpower levels, he shall be compensated overtime pay at the rate of 1-1/2 times the normal pay for the overtime hours worked.

An employee may elect to earn compensatory time at the rate of 1-1/2 his/her normal pay for any overtime hours worked. The use of compensatory time is subject to the approval of the Department Head.

8.5 24-HOUR ON CALL PAY

The Public Works Department 24-hour Emergency On Call Personnel are required to respond, be on site, and ready to work, within 45 minutes of call out.

The Police Department dispatchers will be provided the names and phone numbers of the Public Works Department 24-hour Emergency On call Personnel.

The 24-hour Emergency On Call Non-Exempt Personnel will receive five (5) hours compensation pay at one and one half (1-1/2) times their normal rate of pay – called out or not.

If the 24-hour Emergency On Call Non-Exempt Personnel are called out, they will receive actual time worked or a minimum of two (2) hours for each call out, whichever is greater. This will be paid at one and one half (1-1/2) times their normal rate of pay.

The 24-hour Emergency On Call Non-Exempt Personnel will be paid one and one half (1-1/2) times their normal rate of pay if they are called out on a City observed holiday.

8.6 SUPERVISORY PREMIUM PAY

Premium pay may be awarded to any officer or employee who is laterally transferred to a position requiring skill, expertise, specialized training, or is assigned to a function that has a premium or special rate for the position, or any officer that is temporarily elevated to a higher grade, rank, or classification for the duration of the assignment to which they are temporarily elevated or transferred.

8.7 POSITIONS EXEMPT FROM OVERTIME

The City Manager shall maintain a current listing of positions, including Department Head, administrative, technical and professional positions, which may be required to work extra hours as a normal part of fulfilling employment responsibilities to the City. Such extra hours shall be considered in establishing annual pay grades for exempt positions in accordance with the provisions of the Fair Labor Standards Act of 1986.

The following positions are considered to be exempt from the overtime requirements of the FLSA:

City Manager
Police Chief
Assistant Police Chief approved by M&C 9/7/05
Police Major

911 Director approved by M&C 9/7/05
Jail Administrator approved by M&C 9/7/05
Community Development Director
Public Works Director
Assistant Public Works Director
City Clerk
Finance Director
Assistant to City Manager approved by M&C 9/7/05
City Engineer
Zoning Administrator
Building Official
Police Captain
Parks Director
Assistant Parks Director
Program Administrator approved by M&C 9/7/05
Museum Director
Economic Development Manager
Information Technology Director
Recreation & Cultural Agency Director
Botanical Garden Executive Director
Accountant
Accountant/Property Tax Administrator
Director of Education
Human Resources Director added 4/5/08
Economic Development Coordinator added 8/9/08
Planning and Analysis Coordinator added 10/1/08
Media/Marketing Specialist

SECTION 9 SEPARATION FROM EMPLOYMENT

9.1 TERMINATION DATE

The official termination date of employment with the City shall be the date of the employee's last day in attendance at work, and all eligible accrued leave shall be paid through the date of termination. Payment shall be made on the next pay date following the date of termination, however, the Director of Finance may make payment sooner in extenuating circumstances as authorized by the City Manager.

9.2 RESIGNATION

An employee resigning from the service of the City is expected to give written notice to his/her Supervisor at least ten scheduled working days prior to the effective date of his/her resignation in order to leave in good standing unless other arrangements are approved by the City Manager. Failure to comply with this rule shall be entered on the permanent personnel record of the employee. Either the City Manager or the resigning employee's Department Head is permitted to make the resignation effective at any time during the notice period.

9.3 DISABILITY

An employee is determined to be disabled when the employee cannot perform the required duties of the position because of physical or mental impairment. The City may require an employee to be examined by the City's physician for the purpose of determining an employee's ability to perform the duties of his/her position.

An employee unable to perform the duties of his/her position due to a disability may be re-assigned to a position for which he/she is able to perform the duties and shall be compensated in accordance with the rate for that position.

An employee who does not return to work to perform his/her duties within one year of the occurrence of the disabling event, may be separated from employment.

9.4 TERMINATION

An employee terminated by the City shall be removed from the position as promptly as possible and officially notified that such action is being taken, on or before the effective date of such action. A written statement of the reasons for the termination, along with appeal information, shall be presented to the employee at the time of the discharge either in person or by certified mail to the last known address of record of the employee. An employee shall be given the opportunity for an exit interview with the Department Head within 3 days after the termination. Such a meeting does not take the place of an employee appeal of the termination.

If an employee wishes to appeal the termination, he/she may do so within seven (7) business days as provided in Section 13 of this Policy and Procedures Manual.

9.5 RETURN OF CITY PROPERTY

An employee leaving the city service for any reason and who has city owned equipment or property in his/her possession shall return such equipment or property to his/her Department Head prior to receiving his/her last paycheck. Failure to return said property shall result in deductions for the loss or abuse of City property, or other financial obligations that are due to the City, being made from the employee's final paycheck.

9.6 REPAYMENT OF EDUCATIONAL BENEFITS

An employee separating from the service shall repay in full all funds advanced under the educational program for college credit coursework during the previous 2 years preceding separation. A written agreement to this effect shall be executed by the employee prior to any payment being made for educational benefits.

9.7 LAYOFF/REDUCTION OF WORK

A Department Head may, with the City Manager's approval, lay off an employee when it is deemed necessary by reason of shortage of work, funding, or change of duties or organizational structure or other reasons which are outside of the employee's control and which do not reflect discredit on the employee's performance. The duties performed by an employee laid off may be reassigned to other employees currently working who hold positions in appropriate classification. No regular employee shall be laid off while another person is employed on a probationary or temporary basis in the same position.

9.8 ORDER OF LAYOFF AND RECALL

The order of layoff and recall shall be based on tenure. Employees laid off shall be placed on a priority recall list for a maximum of 180 calendar days. Employees separated because of layoff shall be given at least two weeks' prior notice of such layoff.

9.9 DEATH OF AN EMPLOYEE

In the event of the death of an employee, all compensation due in accordance with the policies of the City shall be paid to the legal representative of the employee's estate or any other properly designated individual.

SECTION 10 HOLIDAYS

10.1 SCHEDULE FOR CLASSIFIED SERVICE - OTHER THAN POLICE

The observance of the following holidays shall be considered a part of a full-time employee's normal work week, except commissioned police officers, jail staff, and police dispatchers, in the classified service:

New Year's Day	- January 1
Martin Luther King Nat'l Holiday	- 3rd Monday in January
Good Friday	- Friday before Easter
Memorial Day	- Last Monday in May
Independence Day	- July 4
Labor Day	- 1st Monday in September
Thanksgiving Day	- 4th Thursday in November
Day after Thanksgiving Day	- Friday after 4th Thursday in November
Christmas Day	- December 25

Day before/after Christmas depending on when it falls; if Christmas Eve or Christmas Day falls on a Saturday or Sunday, the holidays will be observed on Friday and Monday. If Christmas falls on Thursday, the City will be closed on Thursday and Friday.

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All regular, full-time employees of the City will be paid (holiday pay) for officially designated holidays.

In the event that any designated holiday falls on a Saturday, the same shall be observed on the Friday immediately preceding, and in the event any such holiday falls on a Sunday, the same shall be observed on the Monday immediately following such a holiday.

In addition to the amount to which they are entitled as holiday pay, eligible employees who are required to be on duty on officially designated holidays shall be paid for the hours worked on the holiday at their regular rate of pay. For example, an employee will receive 48 hours of pay for a forty-hour workweek in which they work on an official holiday. This does not include any actual hours worked over forty hours, which may qualify non-exempt employees for overtime compensation.

An eligible employee must work the day before *and* the day after a holiday (unless on authorized vacation) without regard to approved paid leave that he/she takes during the same pay period. When a holiday falls or is scheduled to be observed on an employee's normal day off, other than a Saturday or Sunday, that holiday shall remain the employee's day off and they shall be granted another day off at a future date in lieu of the holiday. The Department Head shall determine the scheduling of that day off.

10.2 HOLIDAY ON A SCHEDULED WORK DAY

No employee shall be required to work on a holiday except when it is necessary to maintain essential services. Non-police employees who must work or are called out on approved holidays shall be compensated with compensatory time or overtime pay for actual hours worked. Part time employees required to work on a city observed holiday will be eligible for holiday incentive pay. Holiday incentives will be paid on the paycheck following the holiday worked.

10.3 PERSONAL HOLIDAY

A regular, full-time employee, who has successfully completed his/her probationary period, is eligible for two working days off with pay, per calendar year, as a personal holiday. The days are to be taken at the election of the employee, subject to the approval of his/her Department Head.

SECTION 11 LEAVE SYSTEM

11.1 POLICY AND DEFINITIONS

1. POLICY

All leaves may be granted by the Department Head in conformance with the rules established for each type of leave as specified. Each Department Head shall maintain appropriate records of all leaves requested and granted for the department's employees. The departments shall provide the necessary information to the Human Resources Director who will maintain the permanent records of any such absence from duty for all city employees.

2. DEFINITIONS

"Family Leave" shall mean up to twelve (12) weeks of unpaid leave during a twelve month period when an event occurs which increase the family size of the employee by birth, adoption or the acceptance of a child for foster care.

"Funeral Leave" shall mean a maximum of three (3) workdays of funeral leave may be taken in the event of a death in a regular probationary employee's immediate family.

"Jury/Court Leave" shall mean leave with pay granted when an employee is required to be absent from work for jury duty or as a subpoenaed trial witness.

"Leave of Absence" shall mean leave without pay for a period not to exceed six (6) months in any one calendar year for reasons other than those covered by the Family and Medical Leave policy.

"Medical Leave" shall mean up to twelve (12) weeks of unpaid leave during a twelve month period for a serious illness of the employee or the employee's spouse, child or parent.

"Military Leave" shall mean eighteen (18) days of paid leave within each federal fiscal year (October 1 - September 30) for an employee who is a member or who may become a member of the National Guard, or Air National Guard of Georgia, or any organized or unorganized reserve unit or component of the Armed Forces of the United States or United States Coast Guard when he/she is ordered to active duty training, including organized courses or training periods with such units.

"Occupational Injury or Illness Leave" shall mean paid leave granted in the event of a bona fide occupational injury or illness which is incurred in the performance of an employee's city job, which necessitates absence from assigned duties, or which may be covered under State Workers Compensation policies.

"Sick leave" shall mean paid leave granted to the full-time employee to protect the employee from endangering his/her health and that of his/her fellow workers. Sick leave is utilized for

short-term illness of the employee and/or to receive medical attention from a physician or other medical practitioner. Sick leave may also be utilized for a short-term illness or injury to a member of the employee's immediate family.

“Short-Term Disability” shall mean leave requested by a regular, full-time employee to take care of themselves due to an injury that occurred off the job or for an illness which causes and employee to be out of work for a period not to exceed 26 weeks.

"Vacation" shall mean paid leave granted to a regular, full-time employee to provide a period of recreation and change from day-to-day routine in order that they may be better able to meet the obligations of their work. No regular employee on leave without pay shall be eligible to accrue vacation leave.

11.2 VACATION LEAVE

1. POLICY

The term "vacation" shall be used to designate leave with pay granted to a regular, full-time employee. Vacation leave is granted to employees to provide a period of recreation and change from day-to-day routine in order that they may be better able to meet the obligations of their work.

2. VACATION LEAVE ADMINISTRATION

- a. A full-time employee shall be eligible for an annual vacation with pay as prescribed in section 3 below.
- b. After December 31 of each year, any vacation leave in excess of 35 days which is neither used, nor reimbursed under the "Pay-in-Lieu" provision, shall not be carried forward to any subsequent year. Upon employee request, the City Manager may temporarily waive this requirement, where unusual employee circumstances exist, when it is in the best interest of city operations. Any vacation leave accrued by any employee upon the effective date of this policy shall remain in effect.
- c. If an employee is laid off, resigns, retires or is dismissed and the employee is eligible for a vacation which has not been taken, the employee will be entitled to a payment in lieu of the vacation, up to the maximum allowed. If an employee dies and is eligible for a vacation which has not been taken, payment in lieu of vacation shall be made to the legal representative of the employee's estate or any other properly designated individual.
- d. An employee shall be granted a day off with pay for an authorized holiday occurring during the employee's annual vacation that will not be charged against vacation leave.

- e. Employees shall be responsible for submitting in writing, on the prescribed form, their requests to take planned vacation leave to their supervisors or department heads two weeks prior to the date(s) of vacation leave requested.
- f. Vacation leave shall be used only to the extent of an employee's available accumulation. Leave may not be advanced to employees. Vacation leave may be charged and taken in increments of one (1) hour.

3. ELIGIBILITY FOR VACATION

Eligibility for vacation shall be determined in accordance with the following:

Length of Continuous Service	<i>Accrual Rate</i>	<i>Maximum Allowed Accumulation</i>
(6) months to one (1) year <i>(including Police Officers within the 12 month probation period)</i> <i>Amended by M&C 9/7/05</i>	1 week (3.08 hrs/pay period)	5 Days (1 week)
One (1) to five (5) years	2 weeks per year (3.08 hrs/pay period)	20 Days (4 weeks)
Five (5) to ten (10) years	3 weeks per year (4.62 hrs/pay period)	25 Days (5 weeks)
Ten (10) to fifteen (15) years	3 weeks, 3 days per year (5.54 hrs/pay period)	25 Days (5 weeks)
Fifteen (15) to twenty (20) years	4 weeks per year (6.2 hrs/pay period)	30 Days (6 weeks)
Over twenty (20) years	5 weeks per year (7.7 hrs/pay period)	35 Days (7 weeks)

Amended 10/1/08 by M&C

4. PAY-IN-LIEU-OF-VACATION

Pay-in-lieu-of-vacation shall not exceed more than 80 hours in any calendar year. Employee shall maintain a minimum of 40 hours of vacation at the time of request for pay-in-lieu-of-vacation. Following a request for pay-in-lieu-of-vacation, the remaining hours may be used as vacation at the employee's request. Any special circumstances to sell additional hours must be approved by the City Manager.

11.3 SICK LEAVE AND MEDICAL LEAVE

1. POLICY

Sick leave is paid leave granted to the full-time employee to protect him/her from endangering his/her health and that of his/her fellow workers. It is meant to be a protection in case of need and not a benefit to be used whenever wanted. All allowances of sick leave shall be in conformance with the stated purpose. Sick leave may be granted to employees under the following circumstances:

- a. When the employee is injured or is too ill to perform his/her duties.
- b. Medical or dental examinations or treatments for the employee. Sick leave time may be used with the advance permission of the Department Head.
- c. Pregnancy shall be treated as any other medical condition. Sick leave and/or Family and Medical Leave may be utilized during pregnancy, childbirth and recuperation in accordance with the leave policy. Family and Medical Leave may be taken to care for a newborn son or daughter or after the placement of a son or daughter with the employee for adoption or foster care. (Section 11.6)
- d. Serious illness of: the employee's son or daughter, the employee's spouse, or the employee's parent; such illness requiring the personal and direct attention of the employee. Such medical leave use is subject to approval by the City Manager.

Definitions:

Parent includes both the natural parent of the employee or an individual who stood in as a parent for the employee when the employee was a child.

Son or Daughter includes natural, adopted, step, foster child, and a legal ward and the child of an employee "loco parentis" (standing in place of a parent) who is under the age of 18, or 18 years and older to the extent incapable of caring for himself due to mental or physical disability.

Spouse includes only the legally recognized marital partner of the employee under current Georgia State Law.

2. SICK LEAVE ADMINISTRATION

Eligibility

- a. Sick leave begins accruing on the first day of employment but an employee is ineligible to utilize such leave until after 90 days of employment.
- b. Additional unpaid leave authorized

Under the federal Family and Medical Leave Act of 1993, an employee may request twelve weeks of unpaid medical leave in a twelve month period in the event of a serious medical condition affecting the ability of the employee to perform his/her job duties. An employee shall utilize his/her available sick leave allowance during this twelve week period. In the event available sick leave expires, the employee shall utilize available vacation leave. Any portion of the twelve weeks that is not covered by paid leave shall be considered unpaid leave. See also section 11.6 Family and Medical Leave and section 11.13 Benefits While on Leave.

3. Pay In-lieu of Sick Leave/ Donation of Sick Leave

Employees who accumulate more than twenty (20) days of paid sick leave may sell back, or donate to another employee in a time of crisis, up to a maximum of five (5) days of accumulated sick days per calendar year.

Sick Leave with Pay Accrual Rates

<i>Regular and probationary period employees</i>	
<i>Accrual Rate</i>	<i>Max. Accumulation</i>
<i>2.46 hrs / pay period (8 days per year)</i>	<i>240 hours</i>

An employee must immediately notify his/her supervisor or department head of his/her intention to use sick leave. Failure to do so may be cause for denial of sick leave (with pay) for the period of the absence.

When an employee's available balance of sick leave hours has been depleted, any accrued vacation leave may be used for sick leave. However, accrued sick leave may not be used in place of vacation leave.

Any employee terminating employment with the City (voluntarily or involuntarily) shall forfeit all accumulated unused sick leave.

4. CHARGING OF SICK LEAVE

Absences for a fraction or part of a day that are chargeable to sick leave shall be charged

in amounts not smaller than two-hour units. Saturdays, Sundays and paid holidays occurring during an approved sick leave shall not be considered as days of sick leave, unless the employee is scheduled to work on the specific day. Employees using sick leave shall be considered to be working for purposes of vacation leave eligibility.

5. MEDICAL CERTIFICATE REQUIRED - ADVANCE KNOWLEDGE

When an employee has advance notice of an impending physical disability, such as elective surgery or childbirth, such employee may, before commencing sick leave, be required to submit a statement from the attending physician. The City may request a certification of the medical condition of the spouse, child or parent from the health care provider when sick leave is requested for their care.

Such certification shall provide the following information:

- a. the date on which the illness or condition began;
- b. the probable duration of the illness or condition;
- c. appropriate medical facts within the knowledge of the health care provider, within the guidelines of the HIPAA policy;
- d. if leave is to take care of a spouse, child or parent, a statement that the employee is needed to do so and an estimate of the amount of time required;
- e. if leave is due to the illness of the employee, a statement that the employee is unable to perform the functions of his/her position;
- f. if intermittent or reduced schedule leave is requested, an explanation of the circumstances of such leave; and,
- g. whether the physician anticipates the employee to be under any physical restrictions as a result of the illness, condition or injury upon return to work.

The employee shall obtain a physician's release prior to returning to work, and such release shall indicate whether or not the employee is under any physical restriction, the nature and anticipated duration of such restriction.

6. SICK LEAVE ABSENCE REPORTS REQUIRED

It is the duty and responsibility of the Human Resources Director and all Department Heads to protect the City against loss of time by any employee who, without justification, takes sick leave. For this reason, sick leave absence reports shall be forwarded on the first day of leave by the Department Head to the Human Resources Director.

7. MEDICAL CERTIFICATE REQUIRED - UNFORESEEN ABSENCE

Any employee may be required at the City's discretion to submit competent written evidence that his/her absence was for an authorized reason or that he/she is physically incapable of performing assigned duty. Claiming sick leave or benefits under any conditions other than those permitted by these regulations shall be cause for disciplinary action. Falsification of any written evidence pertaining to sick leave by any employee shall constitute grounds for dismissal and such employee shall be subject to all actions and remedies at law for recovery of all monies paid to such employee by reason of said written evidence or affidavits.

8. SICK LEAVE WITHOUT JUSTIFICATION

If it is determined that the illness or disability for which sick leave, family leave, medical leave, or occupational injury or illness leave, is taken by an employee is feigned, such employee shall be subject to disciplinary action. No employee is entitled to sick leave benefits for any disability which shall result from any of the following:

- a. Illness or injury intentionally self-inflicted.
- b. Illness or injury resulting from the employee's commission of assault or felony (or attempt thereof).
- c. Illness or injury resulting from outside employment, excluding Public Safety employment with the approval of the Police Chief.

9. SHORT-TERM DISABILITY

Short-term disability is leave paid for by the City's third-party insurance and granted to a regular, full-time employee to be able to take time off to take care of themselves due to an injury that occurred off the job or for an illness which renders an employee to be out of work, dependant on a doctor's recommendation, for a period not to exceed 26 weeks.

11.4 OCCUPATIONAL INJURY OR ILLNESS LEAVE

1. POLICY

In the case of a bona fide occupational injury or illness incurred in the performance of an employee's city job, which necessitates absence from assigned duties, the policy of the City is that the state workers' compensation program shall be the primary source of income maintenance subject to occupational injury pay provisions outlined in this section.

2. COMPENSATION

The employee who is injured on the job or has a job related illness shall be placed on occupational injury leave and receive occupational injury leave pay in accordance with the

provisions of this section. A full-time employee injured on the job shall receive occupational injury pay which is the full-time employee's regular compensation less any amount paid to the employee by workers compensation from the date of the injury.

Employees must report earnings received from the Georgia Workers' Compensation Division to the Finance Director who shall insure all appropriate adjustments are made to the employee's compensation due from the City. In no case shall an employee receive a combination of workers compensation payments and occupational injury pay which exceeds the employee's regular compensation. In the event this occurs, the employee must repay to the City any occupational injury pay received in excess of regular compensation from the City.

3. DURATION OF OCCUPATIONAL LEAVE PAY

Duration of occupational injury leave shall not exceed 30 working days. In order to be compensated due to a job related injury the employee will use their own time for the first three days of absence (vacation, sick leave, or comp time). On days 4,5,6, and 7 the City will pay 100% to the employee, with no use of leave time required. Worker's compensation begins paying on day 8. After the day with Worker's Compensation, the City will be reimbursed for days 4-7 by Worker's Compensation, and days 1-3 will be credited back to the employee for time used. From day 8 up to the day the City pays one-third normal salary with Worker's Compensation paying two-thirds normal salary. After 30 days only Worker's compensation will be available at two-thirds of normal salary.

Occupational injury leave pay shall be discontinued upon the earliest occurrence of any of the following events:

- a. the date such employee shall be determined to be permanently disabled pursuant to the State Workers' Compensation Law;
- b. the date such employee is determined and certified to be able to return to work by the City's appointed physician;
- c. the elapse of 30 working days after the date of the occurrence of the disabling event;
- d. the employee submits a fraudulent report.
- e. the employee fails to seek or take prescribed medication/treatments by the attending physician.
- f. the employee fails to submit to examination by the City's appointed physician at the time and place prescribed by the City.
- g. the employee refuses to sign a release of information authorizing the City to receive pertinent medical information from private care providers or hospitals.

4. OPTIONS UPON EXPIRATION OF OCCUPATIONAL INJURY LEAVE

- a. Utilization of sick leave and vacation benefits: after the expiration of the occupational injury leave, if the employee chooses to continue to receive full pay, the employee must utilize sick leave and then vacation.
- b. Leave of absence: once occupational injury leave, sick leave and vacation benefits are exhausted and until the employee is determined to be able to return to work or is determined to be permanently disabled by the state Workers Compensation Division the employee shall be placed on leave of absence and shall receive only state mandated workers compensation earnings.

5. REINJURY OF THE EMPLOYEE

For any one occupational injury/illness, an employee is granted the benefit of 30 working days of occupational injury leave pay in a twelve month period unless an extension is granted by the City Manager. Absent a secondary injury, further occupational injury leave pay will not be paid by the City if an employee has exhausted the benefit, returns to work, and is absent again for the same injury within the twelve month period.

6. AUTHORIZATION TO RETURN TO WORK

Prior to returning to work, the employee must receive a release from his/her physician authorizing the employee to return to duty. The release must state physical limitations, if any, the employee may have and the expected duration of such limitations. A full release must be provided to the City in order to release the employee to unrestricted duty (see section 11.5).

11.5 RESTRICTED WORK

An employee seeking to return to work after injury or illness may be allowed to return to restricted work "light duty" upon recommendation of such employee's Department Head and the approval of the City Manager and upon receipt of a physician's written statement that said employee can reasonably be expected to return to restricted work.

11.6 FAMILY AND MEDICAL LEAVE

Under the Family and Medical Leave Act (FMLA), eligible employees are permitted to take up to twelve (12) weeks of unpaid leave during a twelve (12) month period measured from the date the employee's first FMLA leave begins for the following reasons:

- 1) The birth of a child or placement of a child with the employee for adoption or foster care;
- 2) The care of a spouse, child, or parent with a serious health condition; or

- 3) A serious health condition of the employee that renders the employee unable to perform the functions of his/her job.

Leave taken under this policy may be taken intermittently, in separate blocks of time. If an employee's 12 weeks of Family and Medical Leave are exhausted within a twelve (12) month period, any further unpaid leave will be considered as a leave of absence.

Eligibility

In order to be eligible for leave under this policy, employees must have been employed with the City for at least one (1) year of consecutive service.

An employee desiring leave under this policy for foreseeable events (such as expected birth or adoption of a child or for planned medical treatments) must provide the City with at least thirty (30) days advance notice explaining the reasons for such leave, the anticipated duration of the leave and the expected start of the leave. In cases where the need for leave cannot be anticipated thirty (30) days in advance, the employee must give notice of the need for leave as soon as practicable (ordinarily one or two business days) after the employee learns of the need for the leave. The employee must also make reasonable efforts to schedule the leave in a manner that does not unduly disrupt City operations. Failure to comply with the notice requirements for foreseeable leave under this policy may result in denial of leave until thirty (30) days after the employee provides proper notice to the City.

Benefits

During a leave under this policy, an employee's health insurance coverage will be continued at the same level of benefits and under the same terms and conditions as the coverage currently being provided by the City. Employees must continue to make their health insurance contribution payments and any other required or voluntary deductions to the City, at the time such payments would be due as made by payroll deduction, for the duration of the leave. If the payment is more than thirty (30) days late, the City may discontinue additional coverages during the leave period. Sick leave and vacation leave will accrue during any paid leave, but will not accrue during unpaid leave.

Reinstatement

Employees returning from leave under this policy will be reinstated to their former position or an equivalent position with equal benefits, pay and other terms and conditions of employment.

Pay During Leave

Employees who take leave and/or vacation for any reason under this policy must use all unused, accrued sick leave and accrued vacation leave prior to going on unpaid status; the calculation of time used under FMLA begins on the date that the employee begins to take this accrued leave. In all other circumstances, time spent on leave under this policy will be unpaid.

Verification Requirements

Employees who request leave under this policy for the serious health condition of the employee or family member (spouse, child or parent) must provide the City with a statement of medical certification from a health care provider which explains the condition necessitating the leave, the date the condition commenced, the probable duration of the condition and the anticipated regimen of treatment to be prescribed. The statement of medical certification should be provided to the City at the time the employee requests leave under this policy, or shortly thereafter. In the case of unforeseen leave (such as for a medical emergency) the statement of medical certification should be provided to the City soon after the leave commences. Failure to comply with the medical certification provisions of this policy may result in the denial of leave until the employee provides a statement of medical certification to the City.

If the City has reason to question the validity of a medical certification provided by the employee's health care provider, the City may require the employee to obtain a second opinion, at the City's expense, from a health care provider designated by the City. In the event that the second opinion differs from the first, the City may require that the employee obtain a third and final opinion, at the City's expense, from a health care provider that is approved jointly by the City and the employee.

The City may also require periodic reports during the duration of the leave regarding the medical status of the employee or family member and the employee's intention of returning to work. An employee returning from leave under this policy due to his/her own serious health condition must provide the City with a written medical release from a health care provider before initiating work. Failure to provide a release may result in denial of restoration of employment until the employee provides a medical release to the City.

11.7 FUNERAL LEAVE

A maximum of three (3) workdays of funeral leave may be taken in the event of a death in a regular employee's immediate family. The department head may approve a longer absence for extenuating circumstances, but additional time taken must be charged to vacation leave or leave without pay

11.8 JURY/COURT LEAVE

Any regular or probationary employee who is subpoenaed by any federal, state or local court to serve as a juror or witness on a workday shall be entitled to paid leave, without loss or without effect on performance rating during this time. A regular or probationary employee on paid court leave must endorse all fees over to the City that they receive from the Court.

Employees attending court for personal litigation or other issues unrelated to work shall not use Jury/Court leave. Vacation leave or leave without pay must be used for such circumstances.

11.9 MILITARY LEAVE

1. Temporary Annual Training Periods.

Military leave will be authorized for an employee who is a member or who may become a member of the National Guard, or Air National Guard of Georgia, or any organized reserve unit of the Armed Forces of the United States, not to exceed 18 calendar days in each federal fiscal year (October 1 - September 30), when he/she is ordered to active duty training with such units. Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to active duty training. An employee shall receive pay for any work shifts the employee would have been scheduled to work during the 18 calendar day period, pursuant to the requirements of Section 38-2-279, O.C.G.A.

2. Temporary Emergency Active Duty:

Military leave will be authorized for an employee who is a member or who may become a member of the National Guard, or Air National Guard of Georgia, or any organized reserve unit of the Armed Forces of the United States, not to exceed 30 calendar days in each federal fiscal year (October 1 - September 30), when he/she is called to active duty in emergencies declared by the Governor or the President for short periods of time. Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to such course of instruction or training period. An employee shall receive pay for any work shifts the employee would have been scheduled to work during the 30 calendar day period, pursuant to the requirements of Section 38-2-279, O.C.G.A.

3. A copy of orders must be attached to all requests for annual and emergency military leave.

4. Military leave for annual temporary training periods and temporary emergency active duty service will count toward pension, tenure, vacation leave and sick leave. An employee on such duty shall not have his/her performance rating affected by such leave.

5. An employee on military leave may elect to utilize vacation leave during temporary training periods or emergency active duty periods. The employee may not be required to utilize vacation leave for military service.

6. Extended Active Duty Leave

a. An employee who is a member or who may become a member of the National Guard, or Air National Guard of Georgia, or any organized reserve unit of the Armed Forces of the United States, called into active duty service shall be granted a leave of absence without pay for the period of such service which exceeds 18

calendar days in any federal fiscal year (October 1 - September 30). The employee shall be reinstated to his/her position upon completion of the extended active duty service.

- b. An employee who is drafted or enlists in any branch of the Armed Forces for the United States for a period not to exceed five years of active duty may request reinstatement to his/her former position within 90 days after honorable discharge. The application of reinstatement shall be addressed to the City Manager.
- c. Any employee appointed to a vacancy created by the granting of military leave shall have his/her appointment designated as "military replacement" and the length of such appointment shall be limited to the length of military leave granted the incumbent.

11.10 VOTING TIME

An employee eligible and registered to vote in any election held within the State of Georgia or any primary election held in preparation for such election, on the day of such election, shall be entitled to leave from duty (if on duty) which would allow two hours of voting time between the time of opening and the time of closing of the polls.

This section shall not apply to a voter on the day of election if there are two successive hours while the polls are open in which the employee is not on duty. Only the authorized Supervisor may specify the two hours between the time of opening and closing of the polls during which an employee may be granted voting leave.

Generally, said leave shall not exceed one hour of paid on-duty time for each election day. Exceptions may be arranged with the approval of the Department Head. The employee may be required to show a current eligible voter registration card to his/her Supervisor prior to release for voting purposes; and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

11.11 LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay may be granted by the City Manager to any regular, full-time employee requesting such a leave for a period not to exceed six (6) consecutive months.

Approval of a leave of absence shall be determined by giving due consideration to the length of the requested leave of absence, the impact of such leave on the organization and the department's plans to continue the work performed by that employee in their absence.

An employee on leave without pay shall not accrue paid vacation leave or sick leave and shall not receive paid leave on holidays. Upon returning to work, the anniversary date of the employee on leave without pay shall be adjusted such that time away from work shall not be credited as service time.

At the end of the approved leave of absence, the employee shall return to the same position or to another position within the same pay rate held prior to the leave of absence, if such position is available and if the returning employee meets the job qualifications for said position.

11.12 PROCEDURE FOR REQUESTING LEAVE OF ABSENCE

An employee requesting leave of absence for any reason must fill out a request form thirty (30) days in advance of the date, when practical. The requested leave must be approved by the employee's Department Head and the City Manager.

11.13 BENEFITS WHILE ON LEAVE

1. PAID LEAVE

An employee on paid leave shall continue to receive all employee benefits including sick leave, vacation, and paid holidays. Benefits, including retirement plan contributions, health, dental, life or any other insurance, shall be continued during paid leave.

An employee on paid leave, for periods exceeding thirty (30) days, shall receive no salary adjustments or pay raises while on such leave.

2. UNPAID LEAVE

Unless otherwise provided for in this manual, an employee on unpaid leave shall be required to pay the entire cost of continuing employee benefits, including health, dental, life and other required or voluntary deductions, throughout the duration of the unpaid leave. The employee shall remain eligible for the retirement plan.

No leave shall accrue, and any and all credited sick leave and vacation leave must be used prior to leave. The employee shall not receive holiday leave.

3. OCCUPATIONAL INJURY/ILLNESS LEAVE

An employee who has suffered an occupational injury/illness shall continue to receive the employee benefits provided by the City to its employees while on paid leave. Should the employee exhaust his/her leave which has lasted more than 30 working days and elects to be placed on an unpaid leave of absence, the employee shall be responsible for the health, dental and life insurance premiums.

4. FAMILY AND MEDICAL LEAVE

During the duration of Family and Medical Leave, the employee shall remain eligible for employee group benefits. The employee is responsible for the payment of the employee's share of the City's group medical insurance coverages during such approved leave. The

employee is responsible for the payment of any voluntary group insurance premiums in order for these coverages to be continued during the leave. Pension benefits, sick leave and vacation leave may accrue during such leave.

5. SHORT-TERM DISABILITY

During the duration of Short-Term Disability leave, the employee shall remain eligible for employee group benefits. The employee is responsible for the payment of the employee's share of the City's group medical insurance coverages during such approved leave and any other required or voluntary deductions, throughout the duration of the unpaid leave. Pension benefits, sick leave and vacation leave may accrue during such leave.

SECTION 12 COUNSELING AND DISCIPLINE

12.1 COMMUNICATION OF RULES

Every effort will be made by all Supervisors to counsel employees on the purpose and intent of various rules and regulations in order to encourage genuine cooperation and corrective action.

12.2 PROGRESSIVE COUNSELING AND DISCIPLINARY STEPS

The following steps will generally be followed with regard to disciplinary actions:

- a. Violations of city rules and regulations, and departmental rules and regulations established by the Department Head as provided for herein, shall be explained to the employee by his/her Supervisor in a counseling session, indicating the corrective steps to be taken to prevent recurring violations. At the time this oral reprimand is given, it will be clearly explained to the employee that a written record of the oral reprimand shall be kept by the Supervisor.
- b. A written reprimand shall be issued by a Supervisor upon the occurrence of a violation of these or departmental personnel rules and regulations warranting such action. The report by the Supervisor shall indicate, but shall not be limited to: the date, time of the infraction of the rule involved, prior record of similar violations and efforts made by the Supervisor to correct the problem indicated. Written reprimands shall become part of the employee's departmental personnel file after the employee is notified and the infraction is reviewed with, and signed by, the employee or a witness upon the employee's refusal to sign.
- c. A suspension is a temporary separation from the city service for disciplinary purposes. An employee may be suspended by his/her Department Head without pay for a length of time determined appropriate, but not to exceed ten working days. The Department Head shall provide a written copy of the notice of suspension to the affected employee at the time of the suspension and a suspended employee shall be given the opportunity to respond to the notice of suspension, in a meeting with the initiating supervisor.

The Human Resources Director shall be furnished with a written statement setting forth the cause of such suspension.

- d. A demotion is a reduction in rank or classification with a commensurate reduction in pay as described in section 5.6(2) along with a lower level of responsibility. An employee may be demoted by his/her department head for disciplinary purposes. A demotion may only be effected when there is a lower classification available and a position authorized in the same department for which the employee is qualified.
- e. A Department Head may terminate an employee in his/her department. The Department Head must give the employee a written notice of termination at the time of

dismissal including the reasons therefore and his/her right of appeal and a suspended employee shall be given the opportunity to respond to the notice of suspension, in a meeting with the initiating supervisor.

A copy of the notice of termination must be furnished to the Human Resources Director.

The first offense of any rule violation may necessitate by-passing one or more steps outlined in the disciplinary procedure described above with a requirement of documentation to support the seriousness of the offense and the propriety of the action taken by the Supervisor.

12.3 INVESTIGATION AND REPORT

Reported violations of a city or departmental rule or regulation will be investigated by the Department Head or City Manager. The investigation will be made with the purpose of ascertaining the facts of the alleged violation. Leave with pay may be granted for investigatory periods not to exceed ten (10) working days unless approval of City Manager for longer period of time.

Approved 10/1/08

12.4 GROUNDS FOR DISCIPLINARY ACTION

Any action by an employee, which is a direct hindrance to the effective performance of the municipal government, shall be grounds for disciplinary action against that employee. Whenever and wherever people work together, people must conform to standards of reasonable conduct to maintain an orderly, efficient atmosphere. Accordingly, a city employee may be disciplined up to and including dismissal, in order to protect the rights of others and to encourage correct conduct and cooperation.

Employee actions that may warrant disciplinary action up to and including dismissal are (but not limited to):

- A) Failure to perform at an acceptable level of competence as determined by the department head (this may include excessive tardiness, lost time or inefficiency);
- B) Disregard for and violations of City ordinances, departmental policies and regulations, including safety rules, including but not limited to smoking in designated “no smoking” areas;
- C) Willful misuse, misappropriation, negligence or destruction of any City property, vehicle or equipment including the use of such items for personal use or gain;
- D) Tardiness or absence from duty without prior approval;
- E) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a supervisor, or any other acts of insubordination;
- F) The consumption of alcoholic beverages on City property, on City time, while in City uniform, or while in a City vehicle;
- G) The abuse or misuse of prescription or non-prescription drugs, other forms of medication, or any mind-altering substance;

- H) The unlawful manufacture, dispensation, distribution, possession or use of controlled substances;
- I) Any violation of the City's Drug and Alcohol Free Workplace Policy;
- J) Willfully giving false information to City officials, City employees or the general public;
- K) Falsification of a job application or other City records;
- L) Violation of privileged information or its use for private gain;
- M) Any conduct, on or off duty, that reflects unfavorably on the City as an employer, including gambling, loan-sharking, and other games of chance;
- N) Refusal to be examined by a City-authorized and licensed doctor when so directed in accordance with these policies;
- O) Falsification or destruction of official records or documents or use of official position for personal benefits, profit, or advantage, or for other improper reasons;
- P) Discourteous behavior to the general public or to other City employees, including violent actions, abusive and threatening language, or horseplay;
- Q) Conviction of a felony or crime involving moral turpitude;
- R) Failure to answer questions before any local, state, or federal judiciary, administrative tribunal, or appeals board;
- S) Possession of firearms or other dangerous weapons or articles by non-police personnel while on duty;
- T) Harassment of other City employees or the general public;
- U) Violation of the City's unlawful harassment policy as prescribed in these policies;
- V) Organization and/or participation in prohibited political activity or in a work strike against the City;
- W) Sleeping while on duty;
- X) Allowing one's self to be in a position or circumstance, other than bona fide illness or disability, which inhibits one's ability to properly and professionally perform one's job duties;
- Y) Unsatisfactory or poor job performance;
- Z) Any action that is detrimental to the City or its operations.

SECTION 13 PERSONNEL DISCIPLINARY APPEALS

13.1 EMPLOYEE APPEAL OF DISCIPLINARY ACTION TO THE CITY MANAGER

a. A regular employee may appeal to the City Manager or designee, acting as a Hearing Officer, for a reconsideration and rehearing of any disciplinary action taken by a Department Head involving:

1. dismissal;
2. demotion;
3. suspension without pay for more than three (3) days.

The employee's request shall be in writing and submitted to the office of the City Manager within seven (7) calendar days of the disciplinary action.

b. After receipt of the request and after notice to the Department Head and affected employee, the City Manager, within 30 days after receipt of the notice of appeal, at which time the employee may present witnesses or documents to support his/her position. The Department Head shall also be given the opportunity to present witnesses and documents supporting the disciplinary action taken. The employee may be represented by a representative of his/her choosing at the hearing. Notice of the hearing date will be given to the employee within 15 days of the hearing.

- c. The City Manager shall render a written decision *to uphold, overturn, or modify the disciplinary action* to the employee, within seven (7) calendar days of completion of the hearing.
- d. If the disciplinary action was initiated by the City Manager, the appeal hearing outlined in Paragraph (b) above shall be conducted by the City Judge, sitting as a Hearing Officer, not in the capacity of Municipal Judge.
- e. The decision of the Hearing Officer shall be considered the final action of the City.

13.2 HEARING PROCEDURE

1. The hearing shall be conducted in the manner most conducive to determination of the truth and the Hearing Officer shall not be bound by technical rules of evidence. However, fundamental rules of evidence are to be followed - hearsay testimony or similar evidence, such as unsigned or unverified documents, do not qualify as competent and substantial evidence. The Hearing Officer shall determine whether the appealed disciplinary action is supported by substantial evidence on the whole record. Decisions made by the Hearing Officer shall not be invalidated by any informality in the proceedings.

2. Meetings of the Hearing Officer shall be subject to the law of the State of Georgia with regard to Open Meetings and Records.
3. The Hearing Officer shall determine the relevancy, weight and credibility of testimony and evidence.
4. Each party shall be permitted to make an opening statement and closing argument. The City shall first present its witnesses and evidence (exhibits) in support of the charges and the employee will then present his/her witnesses and evidence (exhibits) in defense. The Hearing Officer may ask questions relevant to the matter after each witness testifies.
5. Each party will be allowed to call and examine and cross-examine witnesses. Witnesses shall be sequestered pursuant to Georgia law.
6. Both the City and the employee may be represented by legal counsel.
7. Decisions of the Hearing Officer shall be in writing and shall be issued within seven (7) days of completion of the hearing. The decision shall include a concise statement of the findings on which the Hearing Officer based his/her decision. The decision shall set forth the charges, if any, the Hearing Officer finds to be sustained and the reasons therefore. A copy of the written decision shall be forwarded to the Employee or the Employee's attorney of record and to the City Attorney and the office of the City Manager. The decision of the Hearing Officer shall be final and binding on the City.

SECTION 14 EMPLOYEE RELATIONS-OPEN DOOR POLICY

14.1 POLICY

The Policy of the City of Kennesaw is to resolve, whenever possible, employee problems or complaints informally. Immediate supervisors and employees are expected, therefore, to make every effort to discuss and resolve problems as they arise. When this is not possible, however, the employee who has a legitimate claim may use the City's Open Door Policy, which provides an opportunity to resolve problems at the level of a Department Head or higher if necessary.

The City Manager shall consider the complaint and the decision of the Department Head. He/she shall determine whether the Department Head's decision shall be affirmed, reversed, or modified and whether any remedial action is justified. The City Manager shall render a written response to the employee within five (5) working days after the conference with the employee. His/her response shall include a statement of his/her decision and shall specify the reasons for the decision. The City Manager's decision may be appealed to the Municipal Judge in accordance with the Open Door Policy.

SECTION 15 FRINGE BENEFITS

15.1 GENERAL DESCRIPTION

The following benefits are currently made available to regular, full-time employees of the City. The City reserves the right to alter, adjust or modify the benefits offered to its employees including the levels and availability of coverage based on budgetary considerations and costs of the benefit to the City:

- a. group medical and dental insurance;
- b. life insurance, accidental death and dismemberment insurance and disability insurance;
- c. retirement plan, including deferred compensation;
- d. participation in employee development or training programs including tuition reimbursement;
- e. paid holidays;
- f. annual vacation;
- g. sick leave;
- h. other benefits as approved by the City Council;
- i. City cemetery plots are available for purchase by City employees at a discounted rate.

15.2 RETIREMENT PLAN

The City provides a retirement plan for qualifying officials and regular, full-time employees. The City's retirement plan is with the Georgia Municipal Employees' Benefit System. Employees are fully vested (100%) upon the completion of ten (10) years of service as a regular employee, regardless of whether it was continuous service (provided that the prior service was after 1980). No contributions to the plan are made by the City on behalf of a regular employee until the employee completes one (1) year of continuous service with the City. More complete information is available in the retirement handbook.

Nothing herein shall preclude the City's right to amend or terminate the current retirement plan.

15.3 HEALTH INSURANCE COVERAGE

The City may provide group hospitalization insurance to eligible regular, full-time employees and elected officials. The Mayor and Council shall determine employer and employee contributions to the plan. Family plans may also be available to covered employees and officials at rates determined by the Mayor and Council.

The City shall maintain payroll and personnel records and make such reports as may be required by applicable state and federal laws and regulations.

When an employee retires in good standing from the City of Kennesaw, and if he/she meets the Rule of 70 (age + years of service = 70), he/she will be eligible to receive single coverage medical and dental insurance paid for the by City until he/she becomes Medicare eligible. Such coverage, for a period of 18 months after retirement (COBRA), will be identical to what the retiree had prior to retirement. After the 18 months, the retiree's coverage will convert to a PPO Retiree Health Plan, which will also be paid by the City until the employee is Medicare eligible. Under the retiree PPO plan, the employee will be responsible for meeting his/her plan deductible before the insurance will begin paying for doctor visits. If the retiree chooses to continue coverage for eligible dependents, he/she will be responsible for 100% of the monthly cost of that coverage.

15.4 PROFESSIONAL DUES

Employees may, with the approval of the City Manager, have professional municipal organization dues paid by the City provided that the membership benefits the City by assisting the employee with his/her assigned duties and responsibilities. Membership payments shall be subject to the availability of funds as provided in the annual budget.

15.5 TRAINING, CONFERENCE AND MEETING ATTENDANCE TRAVEL POLICY

Training and Conference attendance expenses incurred for an employee's professional development and to assist in the development of his/her skills, knowledge, abilities and to assist the employee in staying abreast of his/her field and to perform more effectively the duties of his/her position in the city service, which shall be deemed beneficial to the City of Kennesaw, shall be paid by the City, subject to the below adopted travel policy of the City of Kennesaw.

Training, Conference & Meeting Attendance Travel Policy¹

SUBJECT: Travel related to city business and functions.

PURPOSE: To establish criteria for payment and reimbursement of travel expenses incurred by appointed City Employees and Members of all City Boards and Commissions in the performance of their official functions.

¹ Adopted by M & C on 12/16/02 by Resolution #2002-19 - Original on file in the clerk's office.

BACKGROUND:

The City of Kennesaw recognizes that the appointed City Officials and Employees are required to travel both within and without the State of Georgia for the purpose of representing the City at meetings and professional associations, as well as for training to enhance their skills regarding the performance of their various positions within City Government. In formulating this policy, it is further recognized that the Citizens of the City of Kennesaw receive both tangible and intangible benefits through having representatives not only at formal meetings, but also by providing the opportunity for those in municipal service to participate in forums through which informal networking and information exchanges may occur. The quality of life for the citizens is improved through an informed and educated elected and administrative body, and the expense of such training, including the associated travel, is an appropriate expense for the City to bear.

It is inherently understood in this policy, however, that an individual traveling on official City business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays, or luxury accommodations and services unnecessary, unjustified, or solely for the convenience or personal preference of the traveler in the performance of official City business are not acceptable under this standard, and travelers will be held responsible for unauthorized costs and additional expenses incurred for personal preference or convenience.

PROCEDURES

A. Credit cards -- Whenever possible, municipal credit cards should be used rather than reimbursement to insure that the most accurate records are provided to the City. If a municipal credit card is used, receipts should be returned to the City with the Travel report within 3 business days.

B. Advance payment – Travel advances may be issued to employees based upon the subsistence rates for the location of the event, as established herein if credit card use is not feasible. When possible, expenses should be pre-paid rather than seeking reimbursement.

C. Meals for Required City Council or Employee Attendance –Appointed City Officials and employees may be reimbursed for meals, including lunches, when the person’s job requires his/her attendance at the meeting of a board, commission, or committee in his/her official capacity and the meal is preplanned as part of the meeting for the entire board, commission, or committee. Persons will not be reimbursed for meals which occur at classes, seminars or conferences where the meal is not a part of the registration and the event occurs within the corporate limits of the City of Kennesaw.

D. Reimbursement for Meals-- Reimbursement for meals will be allowed based on a reasonable standard given the location and nature of the event or travel involved and a due recognition of the appropriate expenditure of public funds based on the “prudent man” principle.

Receipts are required to claim reimbursement for all meals. The City Manager will review requests for excess costs reasonable standard outlined above and determine whether or not the same should be allowed. If the costs of meals exceed the allowance and the traveler requests

reimbursement for the amount beyond that established in this section, a written request must be made explaining why the additional expense was necessary and submitted with the return travel report.

Meals served to individuals attending a function as a part of the program presented at the conference and included in registration will be paid at actual cost. Documentation substantiating the cost must be provided. Employees will not be reimbursed for separate meals if a meal event is scheduled at a conference for the same time period.

Guidelines Out of Georgia -- When traveling out of state, the “prudent man” principle outlined above shall be the established criteria for reimbursement for meals and lodging, in the event that there is no conference hotel.

Alcoholic Beverages – No alcoholic beverages may be included in the request for reimbursement or charged to the City’s account.

Automobile Travel --

1. Whenever possible, City vehicles should be used for local travel. Local travel for purposes of this paragraph is defined as travel within seventy-five (75) miles of the City of Kennesaw. Individuals receiving a car travel allowance shall use their personal vehicles and will not be reimbursed for mileage or travel expenses that fall in the category of local travel as defined herein. If a City vehicle is unavailable to an individual not receiving a travel allowance, the person’s private vehicle may be used and mileage will be reimbursed at the current federal allowable rate.
2. Individuals attending the same event should arrange carpools whenever possible. In the event of carpooling to an event, only one reimbursement for mileage will occur.
3. Reasonable parking fees, tolls, taxi charges, car rentals, and expenses of a similar nature, when appropriate to the travel, are reimbursable to the city official upon submission of appropriate documentation of the same.

Transportation by Common Carrier -- Reimbursement for air, rail, or bus fare is limited to business or coach fare, substantiated by a receipt. If multiple carriers exist, documentation that the lowest fare available that meets the needs of the requested travel is being used must be submitted along with the expense report.

Super Saver Rates -- When traveling by common carrier to conduct official business, appointed city officials or employees traveling to their destination earlier than necessary and/or delaying their return to avail the City of reduced transportation rates may be reimbursed subsistence for additional travel days if the amount saved due to the early and/or delayed travel is greater than the amount expended in additional subsistence.

Reimbursement for Lodging -- Lodging necessary to accommodate overnight travel is appropriately reimbursable to the traveler when approved by the City Manager, for appointed City officials or employees. Lodging will be reimbursed based on a reasonable standard given the location and nature of the event or travel involved and a due recognition of the appropriate expenditure of public funds based on the “prudent man” principle.

Whether within or without the state of Georgia, if an event is held at a hotel or other facility offering accommodations, that facility may be selected for lodging even if the price of a single occupancy room exceeds the amount established herein. In the event that there is not lodging available at the conference hotel, an amount up to the cost of lodging in the conference hotel is authorized. Only the lesser of the amount authorized or the expense actually incurred will be paid by the City.

Incidental Travel Expenses -- Charges billed to the traveler’s hotel/motel room that have no bearing to the legitimate business nature of the travel, are the responsibility of the traveler and will not be reimbursed by the City. Expenses of a personal nature which are charged to the City must be noted on the travel report and reimbursed to the City by the traveler with the submission of the Travel Expense Report.

Other Reimbursable Expenses -- The cost of meals and beverages purchased for existing or potential contracted agencies and other individuals and their employees will be reimbursed. The amount must be reasonable and for bona fide business-related entertainment. Under these circumstances, the cost of meals and beverages for the employee, as well as the contracted agencies’ personnel or other individuals, will be reimbursed. In order to obtain reimbursement, the receipt must be submitted along with the names of the persons to whom the meal was served, the location, the name of the restaurant, the business topic(s) discussed and the date. If the business contact with whom the meeting is held is a representative for an entity which involved discussion of the location or expansion of an industry to be held in closed session, the required information regarding the business contact need not be disclosed until otherwise required by law.

Attendants -- Payment of travel and subsistence expenses for attendants for physically challenged employees while traveling on City business may be reimbursed to the same extent as are City employees if advance approval is obtained from the City Manager.

Travel Companions -- Spouses may travel with City Officials and Employees to seminars, conferences meetings, and other gatherings, at City expense,-subject to the limitations outlined below. At functions and meetings where attendance by a spouse is appropriate, the City will reimburse the actual cost of the individual attending with the City Official, including travel expenses by common carrier and registration fees as required. Reimbursement for traveling companions will only occur at those particular functions at a conference where it is customary; including meal events, and "spousal events.”

Telephone Calls -- Employees are not allowed to charge long distance telephone calls to the City for calls made of a personal nature, except as stated below. All long distance calls that are to be paid by the City are those made pursuant to the employee conducting official City business. An

employee traveling to a location outside the local calling area is allowed one (1) "safe arrival" call upon arriving at the destination. An employee who is in travel status for two (2) or more consecutive days in a week is allowed one (1) personal long distance telephone call for each two (2) days of travel. Additionally, employees may properly be reimbursed for emergency calls approved by the City Manager. An example of such is a call made when an employee calls home to inform someone that the travel period has been extended beyond original plans due to unforeseen reasons.

Submission of Information -- Travel expense reports must be completed with proper approvals and forwarded to the Finance Director within three (3) business days of return from the trip.

APPLICABILITY: This City Travel Policy shall apply to the appointed City Officials, City Manager, all City Employees and duly appointed Board and Commission members.

15.6 TUITION ASSISTANCE PROGRAM

In order to be eligible for this program, an employee must have completed his/her probationary period and be a full-time employee of the City.

- a. Payment of tuition will be made at the current market rate for tuition per semester, less any assistance received from HOPE scholarship funds. Market rates for tuition will be determined based on the current tuition rates at Kennesaw State University.
- b. The course of study must be job related as follows:
 1. Any academic course required in order to complete an associates, baccalaureate, and master's degree will be approved.
 2. Approval for courses outside the normal field of employment but which are related to job positions in other areas of the city government will be considered based upon the employee's career development and job opportunities in other departments.
 3. In limited instances, courses beyond the master's degree level may be approved by the City Manager.
- c. All courses must be approved, in advance of enrollment, by the Department Head and the City Manager and subject to authorized and available appropriations.
- d. An overall GPA of 3.0 must be maintained in order to avoid repayment of a percentage (25%) of tuition to the City for the semester in which the GPA falls below the 3.0 level.

- e. In order to receive tuition payments, the employee must execute an agreement which requires two additional years of service to the City by the employee or repayment of educational benefits received within the past two years will be required. (See Section 9.6) for additional information relating to educational incentives, see section 7.12.

15.7 UNIFORMS AND CLOTHING MAINTENANCE

Employees required to wear uniforms will be provided with such clothing allocations as deemed appropriate by the Department Head. In such case, the employee shall be required to wear the uniform clothing and to return the full allocation of garments upon separation from city service. The City shall replace uniform clothing damaged through natural wear on the job, but not due to negligence by the employee. The employee shall wear uniform clothing only enroute to and from work and while on duty.

The City Council may establish clothing allowances where deemed appropriate in lieu of providing uniforms. In such instances, the employee shall be fully responsible for all maintenance and replacement of uniform or clothing.

All City of Kennesaw employees are expected to present a professional image in their dress in accordance with established policy. In addition certain dress codes are enforced within particular departments (mainly safety employees). Departmental rules include, but are not limited to, the following:

- 1) All employees wearing uniforms are expected to keep uniforms clean and neat.
- 2) In departments where an employee is required to wear a uniform, the cost of the uniform is charged to the City.
- 3) In the case of employees who are allowed to wear baseball style hats, only the standard City of Kennesaw hat shall be worn with bill forward.

4) Boot Policy for Public Works & Parks & Recreation Departments and other departmental field personnel as appropriate:

amended by M&C 9/7/05

- a) City of Kennesaw will furnish steel toe, leather boots of 8” or higher for all employees except administrative staff.
- b) Employees are required to wear boots described above during all duty hours. Boots shall be fully laced up and maintained in good condition. If an employee reports for duty and is not wearing these boots in the proper manner, they will be required to remain off the clock until they are able to comply.
- c) New hires will be required to furnish and wear ankle high leather boots while they are waiting for the City furnished boots to be delivered.
- d) All employees will sign a release authorizing the deduction from final pay the cost of boots if he/she leaves employment prior to three months after the receipt of new boots.
- e) Employees may purchase boots of better quality and be reimbursed \$125.00 upon turning in a receipt and request for reimbursement to the Assistant Director. Approved 10/6/03 by M&C

- f) Boots will be replaced annually as close to their anniversary date as can be scheduled.
- g) Boots accidentally damaged will be replaced at no cost to the employee unless it is determined that the damage was due to negligence or deliberate actions. In those cases, the Supervisor and Assistant Director will complete an "Employee Warning Notice" form with a recommendation to seek reimbursement from the employee. Percent wear/cost used up will be calculated at 1/ cost of boots multiplied by month's use remaining. Director will have final decision on action and reimbursement.

15.8 USE OF CITY VEHICLES AND EQUIPMENT

The City's vehicles, equipment, financial resources and supplies shall be used only for official City business and not for personal purposes. An employee shall return all equipment, tools, supplies, vehicles, and other property of the City in good condition to his/her supervisor prior to termination.

City officials and all employees operating City vehicles shall comply with the following guidelines at all times:

- 1) Possess and maintain a valid Georgia driver's license.
- 2) Abide by the Georgia Safety Belt Law.
- 3) Understand that all traffic violations received while operating a City vehicle are the responsibility of the driver and not the City.
- 4) Understand that City vehicles are to be used for official City business only; personal errands are not allowed while operating a City vehicle, unless express authorization for personal use of a vehicle has been granted by the Mayor and Council.
- 5) Lock the vehicle at all times when it is not in use.
- 6) Ensure records of maintenance and service are properly completed and maintained.
- 7) Notify the City's police department and finance director as soon as possible if a City vehicle is involved in an accident either on a public street or on private property. Police vehicles involved in an accident will refer to Police SOP manual.
- 8) Keep the vehicle well maintained, including inspections, tags, and mechanical maintenance.
- 9) Ensure that only authorized personnel operate City vehicles.
- 10) Proof of insurance will be kept in the vehicle at all times.

15.9 SOCIAL SECURITY

All city employees shall participate in the Federal Old Age, Survivors, Disability, and Health Insurance program. Employees' contributions are deducted each pay day and are matched by the City pursuant to Federal law.

15.10 USE OF PERSONAL AUTOMOBILE

An employee who is required to use his/her personal automobile in the course of performing his/her duties for the City shall be paid an automobile allowance or reimbursed for mileage as established by city policy.

15.11 WELLNESS INCENTIVE POLICY

The purpose of the Wellness Incentive Program is to provide a voluntary program for full-time and part-time employees (not to include temporary/seasonal employees) to encourage a healthier workforce, thereby increasing on-the-job productivity and reducing future increases to medical insurance costs.

The City has a Wellness Incentive Program available to all City employees for their participation in physical, educational, and preventative care elements of a health and wellness program. Participating full-time employees may receive a financial incentive in an amount up to \$400, depending on the level of participation in the program. Participating part-time employees may receive a financial incentive in an amount up to \$75, depending upon the level of participation in the program. The Employee Benefits Committee serves as the liaison between City management, employee participants and the Program Administrator. Annual disbursement to employees for successful participation in the plan will be made at the annual employee Christmas Luncheon of the year following acceptable levels of program participation by the employee. Participant's records will be maintained by the Program Administrator in a confidential manner, separate from Personnel Records.

I. Wellness Incentive Eligibility

A voluntary wellness incentive program with a goal to encourage healthy lifestyles will be offered to all employees annually.

- A. The program will run from December 1 through November 30 each year (program year).
- B. The City wellness incentive program is open to all full and part-time employees.
 1. Employees may join the program at any time throughout the year.
 2. To be eligible for any monetary award, the employee must be employed as of November 30 of the program year for which the award is recognized.
- C. Employees must earn a minimum of 200 points each year to convert points to dollars. Points earned by the employee will be converted to a monetary reward at the conclusion of the annual program period. Each point earned after 200 points will be converted at a rate of \$1.00 per point for all full-time employees and part-time employees. A maximum of \$400 for full-time and \$75 for part-time employees can be earned, regardless of the number of points accumulated by the participating employee.
- D. To participate in the program, an employee must submit a registration form to the Program Administrator when he or she wishes to begin participating.
- E. Employees are under no obligation to participate in the Wellness Incentive Program. Participation is strictly voluntary and is not part of an employee's duties or work

responsibility to the City. Employees will not be penalized in any way for not participating. All participation will be on an employee's personal time, off the job. If an employee is injured during his or her participation in a wellness activity, the City will not recognize this injury as an on-the-job injury, nor will the City accept Worker's Compensation responsibility for such injury. Additionally, such injuries are not recognizable as an occupational leave injury. Employees participate in the program voluntarily, and employees participate in any program activities at their own risk.

II. Management of Wellness Incentive Program

The City Program Administrator will coordinate the management of the program.

- A. Records of employee participation data will be maintained by the Program Administrator, which will include registration data, back up of points earned, total points earned and money paid to the employee. All such records shall be kept separately from Personnel Records.
- B. The City of Kennesaw Employee Benefits Committee will evaluate and coordinate supplemental programs and classes for the Wellness Incentive Program.
- C. All financial awards distributed to employees are taxable income, and will be reported on an employee's W-2 form. The award is also subject to employment tax withholding.

III. Point Structure

- A. The incentive program shall consist of three categories:
 - Physical Participation
 - Education
 - Preventive Care
- B. Points to Incentive Conversion and Minimum
 - 1. Full-time employees can earn up to a maximum of \$400 annually through points accumulated in each of the three categories. Accumulation of points is unlimited; however conversion of points to dollars is limited as follows:
 - 250 points maximum – Physical Participation Approved 12/1/08
 - 50 points maximum – Education Approved 12/1/08
 - 100 points maximum – Preventive CareEmployees must earn a minimum of 200 points to convert points to dollars. To convert the points to a monetary award, points must be earned in each of the three categories.*
 - 2. Part-time employees are encouraged to participate in the Employee Wellness Incentive Program under the above guidelines listed for full-time employees with the exception that part-time employees are eligible for a total cash incentive of

\$75.

- a. Part-time employees must have a minimum of 200 points with points earned in each of the three categories in order to qualify for the cash incentive.
- b. All other rules as outlined in the policy for full-time employee participants apply to part-time employee participants in the wellness program.

* If an employee is unable to participate in any physical exercise or workout program for the entire year due to a medical condition or medical inadvisability of attempting such a physical program, the Program Administrator, upon receipt of medical documentation of such condition, shall waive the Physical Participation requirement and the employee may earn the required points in educational or preventive care activities. Medical documentation shall be on letterhead from a Board Certified Medical Professional and shall confirm the employee's inability to participate in any physical exercise or workout program for the entirety of the program year. A Board Certified Medical Professional shall be defined as a Physician licensed as a Doctor of Medicine (or Doctor of Osteopathy) by the Georgia Composite State Board of Medical Examiners.

- C. Physical Participation points, up to a maximum of 250 points, can be earned through exercise and/or workout sessions.
 1. Points may be earned through verified workouts, time spent walking/running/ or biking, and quarterly City sponsored teambuilding programs. A form will be provided to the employee to record the workouts/classes attended.
 - a. The Wellness Program Administrator will be responsible for collection of workout sign-off forms and verification.
 - b. Verified Workouts: Workout sessions or classes must be recorded on the provided form. Points from workouts are capped at 250 points total with a limit of 125 points from December through May and another 125 points from June through November. Walk/run/bike sessions must be logged, dated, and signed by the employee and the Wellness Program Administrator.
 - c. Earning Points: 2 points per 30 minute workout session or class will be earned.
 - d. Teambuilding events will be organized quarterly. Point potential will vary between 10-25 points depending upon the activity.
 2. Points earned can be from any one or combination of the above; however, a maximum of 250 points from this category can be counted toward a monetary award.
 3. Points earned will be collected and tallied monthly by the Wellness Program Administrator for verification. Additional tally forms and log sheets can be

obtained from the Wellness Program Administrator or a Benefits Committee member as needed.

D. Education points, up to a maximum of 50 points, can be earned through attendance at Lunch & Learn lectures and through participation in City sponsored Health Events.

1. Lunch & Learn lectures will be coordinated twice monthly by the Benefits Committee. Each topic will be presented once at City Hall and once at another location, on a rotating basis, to provide ample opportunity for employee and family member participation. (Family participation is encouraged for support employee efforts at making lasting lifestyle changes toward healthier living). Four (4) points will be earned for each different lecture topic attended by the employee.
2. The annual City Health Fair will be scheduled, offering a variety of education and health care services to be coordinated by the Benefits Committee. Employee participation in the Fair will result in an 8-point award.
3. As stated above, employees and their families are encouraged to participate in the Lunch & Learn lectures and the City Health Fair. However, only the employee participation will be credited toward point accumulation.
4. Participation in established formal programs which encourage a healthier lifestyle or participation in a wellness structured class other than CHN Health Maintenance Programs may be considered for up to an annual maximum of 50 points. Examples of such programs include attendance at weekly weight management meetings or other similar, structured meetings, healthy cooking classes, or health/wellness seminars not sponsored by the city. Points will be awarded as follows: 4 points will be awarded for attendance and completion of classes or meetings lasting up to 90 minutes (such as weekly Weight Watcher meetings); 6 points will be awarded for attendance and completion of classes exceeding 90 minutes. Credit will be given only for pre-approved programs and with verification of participation.
5. The Benefits Committee may offer additional opportunities for educational points throughout the year to encourage participants to continually learn more about personal responsibility for wellness. Incentives other than points may be used with these opportunities.
6. Points earned can be from any one or a combination of the above; however, a maximum of 50 points from this category can be counted toward a monetary reward.

E. Preventive Care points, to a maximum of 100 points, can be earned through any of the items listed below:

- Dental – Preventive/Cleaning Only (max 2 per year) 15 pts
each visit

- Comprehensive Physical Exam by a medical doctor 50 pts
All tests must be performed by an authorized health care professional and verified with a signature on the Kennesaw Wellness Incentive Form and a dated note from the healthcare professional, on letterhead, stating that a comprehensive exam was performed. No reference to specific services rendered is necessary.

- Comprehensive Eye Exam 20 pts
All tests must be performed by an authorized health care professional and verified with a signature on the Kennesaw Wellness Incentive Form and a dated note from the healthcare professional, on letterhead, stating that a comprehensive exam was performed. No reference to specific services rendered is necessary.

- Wellness Screenings or Follow-up (PSA, mammogram, etc) 30 pts
(Maximum of 30 points per year for one or more tests performed excluding the cholesterol screening done as part of the comprehensive physical or CHN Screening)

- Health Fair Screenings 2 pts
per test
These points are in addition to the 8 possible Educational points for attending the health fair. Screenings at the health fair can include (but are not limited to) hearing tests, dermascans, BMI assessment, and others made available.

- Participating in one-on-one Wellness Coaching 1 pt
for each
coaching session
5 pts
for screenings
Points will be given as such, one (1) point for each coaching session and five (5) points for screenings (12 points for attending all sessions [12 weeks during each program], 5 points for each screening, x4 – 12 week programs per year for a possible total of 68 points.) Coaching includes CHN goal setting which must be stated in measurable standards. Points will be awarded based on the difficulty of meeting the goal and the documented progress made throughout the year. Point values will be based on the percentage of goal attained.

Approved 12/1/08

1. Points for all of the above are applicable only one time per year (except for dental prevention care, as noted).
2. Points will not be awarded in applicable areas listed above without verification from the dental or health care provider or the CHN Wellness Coach.

3. Points earned can be from any one or combination of the above; however, a maximum of 100 points from this category can be counted toward a monetary reward.

Approved 12/1/08

IV. Appeal Process

The Employee Benefits Committee will hear any appeals or disputes over points earned, pre-approval for lifestyle education programs, or other issues that may arise concerning the Wellness Incentive Program. The committee will make a recommendation to the City Manager on any appeal or dispute. The City Manager shall have final authority on the resolution of any appeal or dispute. All records from the appeal process shall be kept separately from an employee's personnel records.

15.12 EMPLOYEE ASSISTANCE PROGRAM

The City of Kennesaw offers an Employee Assistance Program (EAP) to assist our employees in personal crisis situations. The program addresses the needs of employees and is available to assist them in their day-to-day issues in order to have a better quality of life.

The following types of service are included as part of the EAP:

- Assistance with chemical dependency and substance abuse
- Assistance with depression management
- Assistance with stress management
- Assistance with marital & family problems
- Assistance with emotional problems
- Assistance with psychiatric disorders
- Assistance with relationship difficulties
- Assistance with eating disorders
- Assistance with medical problems
- Assistance with life transitions
- Assistance with crisis issues
- Assistance with grief and loss
- Assistance with personal problems that interfere with job performance
- Assistance with training for Department Heads and Supervisors relating to appropriate observations of the symptoms associated with use and abuse of alcohol or controlled substances.

The City's objective is to have a resource where employees who have personal or family issues can discuss their concerns with a professional, one on one, to help them cope on a day to day basis.

The EAP is offered to all full-time and part-time City employees, spouses & children. The City will determine eligibility for employee participation in the EAP.

Scope of Services:

EAP program services shall be conducted by the EAP service provider in the following manner:

- a) Diagnostic, evaluation and referral services for employees, their spouses & children — A maximum of 8 (eight) face-to-face counseling sessions per year for the purpose of assessment, short-term counseling and referral. 24-hour coverage is provided for crisis situations.
- b) Unlimited telephone counseling and unlimited access to web and online services and information is available.
- c) Training Sessions and Customized Workshops are provided, as needed, including but not limited to:
 - New employee orientation sessions—Quarterly
 - “Brown Bag” lunches or educational seminars—Bi-monthly
 - Others of special interest to the City—As Needed
- d) State-wide network of professional EAP counselors. Telephones staffed by master’s level counselors and personally answered 24 hours a day, 7 days a week.
- e) As requested, monthly articles for City publications for general city or employee use. Articles may vary in length and scope.
- g) Annual meeting with appropriate City staff to discuss and evaluate EAP program.
- h) Quarterly utilization reports and annual employee surveys for purposes of ongoing evaluation of the program.
- i) Quarterly employee communications to promote the EAP services.
- j) On-site assistance in the event of a catastrophic event or employee death.

SECTION 16 EMPLOYEE RELATIONS

16.1 EMPLOYEE SUGGESTIONS

The City Manager, all Department Heads, and supervisory personnel shall consider all employee suggestions concerning the improvement of city services. Employees are encouraged to make suggestions in writing to the HR Department to present to the City Manager for discussion and consideration. The City Manager may offer recognition for employee suggestions which may include financial rewards up to \$500.

16.2 EMPLOYEE ID BADGES

It shall be the policy of the City of Kennesaw that all employees and Elected Officials will wear an ID badge for identification purposes, during business hours, except for those employees where the badge would cause a hindrance in performing job-related duties. In these cases the badge will be carried on the person in order to show proof of identity, if necessary. In all other instances the badge shall be worn. All employees must display or carry their id badge with them at all times. Those employees not following policy will be subject to disciplinary action, up to and including suspension.

The City will provide the first badge to the employee at no cost, however, if an employee's badge is lost or stolen, the employee will be responsible for notifying his/her supervisor to order a new badge. The employee shall pay \$15 for each replacement badge. Employees are not permitted to copy or duplicate, in any manner, their badges.

A "Visitor" badge will be issued to anyone who is doing business for the City, and members of boards and commissions of the City. Visitors will need to go to the front desk of City Hall to sign in with the Receptionist to obtain a badge, before they proceed.

16.3 EMPLOYEE APPEARANCE

All employees are required to attire themselves in a manner that will reflect a positive image and that is appropriate to the daily requirements of the job. Uniforms shall be required as and when specified, and shall be worn properly and in their entirety. Business attire for non-uniformed employees shall conform to standards of good taste and professional image in accordance with established policy.

In accordance with this policy on employee appearance, employees will be prohibited from wearing visible body-piercing jewelry while at work, with the exception of earrings worn on the ears. In addition, to the greatest extent possible, tattoos should be covered by appropriate clothing. This policy regarding body-piercing jewelry and tattoos shall apply equally to male and female employees.

16.4 OUTSIDE EMPLOYMENT

Employment with the City shall have precedence over other occupational interests of employees which shall not interfere with the efficient performance of the employee's duties.

- 1) Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on either paid vacation leave, compensatory leave, or leave without pay.
- 2) Employees are expressly prohibited from using City property, uniforms, funds, or resources in furtherance of outside employment, except as allowed for Police Department employees regarding uniforms, weapons and/or patrol vehicles pursuant to Police Department Standard Operating Procedures.

Police Department Employees

Employment in sworn positions with the City Police Department shall be considered the members' primary job or duty. Approval for outside employment must be gained in writing through the chain of command to the Chief of Police. Under no circumstances shall any member be allowed to work more than 20 hours per week on any part-time job. Certain types of outside employment are expressly prohibited by the nature of the business or activity, or if the employment of departmental employees gives the perception or appearance of a conflict of interest. Examples include but are not limited to escort or limousine services, inside bars or licensed liquor, beer, wine establishments that have authority for consumption on premises. Officers may upon approval of the Chief of Police provide police services outside said establishments. Additionally, employment of officers in uniform outside the corporate limits of the City is prohibited without express written approval of the Chief for each occasion.

16.5 ETHICAL CONDUCT

The City of Kennesaw has a duty to maintain its positive image. Therefore, the City requires that all employees practice proper business ethics, as determined in the Code of Ordinances, Section 2 Administration, Article 4 Board of Ethics. This policy includes the Mayor and Council and all city employees.

16.6 POLITICAL ACTIVITY POLICY

No employee of the City shall be a candidate or appointee for, or officer of a City of Kennesaw elective office during employment with the City. City employees shall not engage in any political campaign activities while on duty, while in the workplace, while in uniform or while using a City vehicle. This prohibited activity includes, but is not limited to, distributing information or soliciting contributions or services for any political party, political candidate or organization while on duty. Additionally, employees may not use City funds, supplies or equipment for such purposes.

Nothing contained in these policies shall be construed to restrict the right of employees to hold membership in and support a political party, to vote as they choose, to express personal opinions

on all political subjects and candidates, maintain political neutrality, or to attend political meetings during non-working hours.

This policy applies to all City employees. Failure to comply with the provisions of this section shall be grounds for disciplinary action, up to and including dismissal.

16.7 INTERNET AND ELECTRONIC MAIL ACCEPTABLE USE POLICY

General Principles:

This statement sets forth the policy of the City of Kennesaw (City) with regard to access to and disclosure of Electronic Mail (E-mail) and other electronic records sent or received by employees, both internally and via the Internet.

Internet and E-mail services are provided by the City to support open communications and exchange of information and the opportunity for collaborative government-related work. The City encourages the use of electronic communications by its agencies and employees. Although access to information and information technology is essential to the missions of government agencies and their users, use of Internet and E-mail services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement, is required. Departments of the City are expected to maintain and enforce this policy.

No Privacy Rights

All communication or information stored on or transmitted via the City's System (System includes information technology, Internet access, voice mail, computer equipment, data, databases, files, and software) is the sole property of the City. Employees waive any expectation of privacy with respect to anything they create, store, send or receive in connection with their use of the System. City has the right, without creating any obligation to do so, to access, audit and monitor any communication or information employees create, store, send or receive in connection with their use of the System. Information obtained in the course of such access, auditing and monitoring of the System may be used or disclosed, by City, at its sole discretion or election, and to third parties to comply with laws, regulations, court orders, subpoenas or other governmental procedures without notice to the employee.

Open Records Act

All public departments are subject to the Open Records Act. All records, including computer based or generated information fall under this act. Therefore, users of the city information systems should treat computer based information as they would written communications. All information on the city computerized system is confidential. Such information may not be shared with other users internally or externally except through the procedures outlined in the Georgia Open Records Act.

Department heads will be responsible for determining what information is appropriate for dissemination via E-mail.

Permanence: Users shall exercise the same care in drafting E-mail that would be applied to any other written communication. E-mail is more permanent than paper communications and anything said in an E-mail may be discovered by an opponent in litigation.

Enforcement: All provisions of this policy are deemed rules of the city and violation of any could result in disciplinary action up to and including termination under City Code.

Activities Which May Result in Disciplinary Action

- Visiting inappropriate Web sites (erotica, hate groups, etc.)
- Unauthorized attempts to break into any computer whether it belongs to the City of Kennesaw or another organization (cracking)
- Sending or posting threatening messages
- Sending or posting racially and/or sexually harassing messages
- Sending or posting sexually suggestive or explicit messages
- Theft, or copy of electronic files without permission
- Sending or posting Confidential Information that is not part of your job requirement
- Refusing to cooperate with a reasonable security investigation
- Knowingly transmit viruses or other files that may cause harm to the City computers or the City network
- Knowingly transmit viruses or other files that may cause to another's computer or network
- Knowingly open E-mail or attachments that may endanger City computers or the City network
- Knowingly open E-mail or attachments that may endanger another's computer or network
- Knowingly visit web sites that may endanger City computers of the City network
- Knowingly visit web sites that may endanger another's computers of network

At a minimum, users of Internet and E-mail services provided by the City are expected to:

1. Inform themselves of this acceptable use policy, and acceptable and unacceptable uses of the Internet, and uses of E-mail, both internally to the City and externally to the world at large. The burden of responsibility is on the user to abide by the acceptable and unacceptable uses, or prior to use, inquire about uses not cited. Compliance with applicable acceptance use restrictions is mandatory.
2. Use City provided Internet and E-mail services for City government-related activities and not for personal business.
3. Abide by the legal protection provided by copyright and license to programs and data.
4. Know and follow the generally accepted etiquette of the Internet. For example, use civil forms of communication when using E-mail and/or the Internet.
5. Avoid uses of the network that reflect poorly on their department or on the City. Statements on E-mail and/or the Internet should reflect the same language used in the presence of a Department Head or the City Manager.

City Conflict of Interest Policy, and other existing and evolving rules, regulations, and guidelines on ethical behavior of government employees and the appropriate use of government resources apply to the use of electronic communications systems supplied by the City.

Specifically Acceptable Uses of the Internet and E-mail.

1. Communication and information exchange directly related to the mission, charter, or work tasks of the City department.
2. Communication and exchange for professional development, to maintain currency of training or education, or to discuss issues related to the user's City research or programs.
3. Use in applying for or administering grants or contracts for the City's research or programs.
4. Use for advisory, standards, research, analysis, and professional society activities related to the user's City work tasks and duties.
5. For announcements of new City regulations, ordinances, procedures, policies, rules, services, programs, information, or activities.
6. Any other government administrative communications not requiring a high level of security.
7. Incidental and occasional use of e-mail for personal reasons (i.e. e-mailing a spouse from work).

Specifically Unacceptable Uses of the Internet and E-mail.

1. Use the Internet and/or E-mail for any purpose that violates a federal, state, or local law.
2. Use for any for-profit activities unless specific to the charter, mission, or duties of the City department.
3. Use for purposes not directly related to the mission, charter, or work tasks of the City department during normal business hours.
4. Use for private business, including commercial advertising.
5. Use for access to and distribution of: a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated or patently offensive representations or descriptions of masturbation, excretory functions, or lewd exhibition of the genitals, b) material sent or received in violation of the Protection of Children Against Sexual Exploitation Act of 1977, as amended, 18 U.S.C. 2252 except for law

enforcement agents pursuing a lawful investigation of infringement of 18 U.S.C.2252 or other similar laws.

6. Use for access to and distribution of computer games that have no bearing on the department's mission. Some games that help teach, illustrate, train, or simulate agency-related issues may be acceptable.
7. Use of City provided Internet and/or E-mail services so as to interfere with or disrupt network users, services, or equipment.
8. Intentionally seeking information on, obtaining copies of, or modifying files and other data that are confidential under federal, state, or local law, unless specifically authorized to do so once the legal conditions for release are satisfied.
9. No intentional copy is to be made of any software, electronic file, program or data using City provided Internet and/or E-mail services without a prior, good faith determination that such copying is, in fact, permissible. Any efforts to obtain permission should be adequately documented. Copyrighted materials include not only text, but also pictures, video, and audio.
10. Intentionally seeking information on, obtaining copies of, or modifying files or data belonging to others without authorization of the file owner. Seeking passwords of others or the exchange of passwords is specifically prohibited.
11. Users intentionally representing themselves electronically as others, either on the City internal network or elsewhere on the Internet unless specifically authorized to do so by those other users. Users shall not circumvent established policies defining eligibility for access to information or systems.
12. Intentionally developing programs designed to harass other users or infiltrate a computer or computing system and/or damage or alter the software components of same.
13. Use for fund raising or public relations activities not specifically related to City approved activities. The City Manager must approve City fundraising.
14. The City of Kennesaw Personnel Manual restricts political activities of City employees. This includes using computer equipment and resources.
15. Other uses deemed to be inappropriate by the City Manager.

Additional Guidelines:

External Internet Service Providers (Yahoo, MSN, AOL, etc.): The IT department provides Internet access to City employees for business uses. No other external Internet service providers' software (including dial up networking applets) shall be installed on any City provided computer without expressed permission of the IT department.

Computer Viruses on Downloaded Software: Any software obtained from outside the City government shall be virus checked prior to use. Any virus outbreaks or virus-like activity on the City network will be promptly reported to the Director of IT.

Use by Contractors: Contractors and other non-City employees may be granted access to City provided Internet services at the discretion of the City Manager and IT Director. Acceptable use by contractors and other non-City employees working for the City is the responsibility of the contracting Department Head. The Department Head is expected to provide such individuals who use City Internet and/or E-mail services with this policy.

Passwords: Use passwords associated with a City information system only on that system. When setting up an account at a different information system that will be accessed using the Internet, choose a password that is different from ones used on City information systems. Do not use the same password for both local and remote Internet-accessed systems. If the password used at the remote Internet accessed site were to be compromised, the different password used locally would still be secure. Passwords should not be so obvious so that others could easily guess them, and passwords shall be changed at least every 90 days.

Logoff (Exiting): Always make a reasonable attempt to complete the logoff or other termination procedure when finished using a remote, Internet-accessed system or resource. This will help prevent potential breaches of security. All users should logoff the city network at the end of each working day.

E-mail Security: Unencrypted electronic mail sent or received outside any department and on the Internet cannot be expected to be secure.

Large File Transfers and Internet Capacity: The Internet connection is a shared resource. While routine E-mail and file transfer activities won't impact other users much, large file transfers and intensive multimedia activities will impact the service levels of other users. Users contemplating file transfers of over 10 megabytes per transfer or interactive video activities shall, to be considerate of other users, schedule these activities early or late in the day or, better, after business hours. File transfers, via e-mail, of any file larger than 10 megabytes will require prior approval of the Director of IT.

Disclaimers: Users shall avoid being drawn into discussions where disclaimers like "this represents my personal opinion and not that of my department or of the City" need to be used. When you are using Internet and or E-mail services provided by the City, users need to remember that they are representing the City and shall act accordingly. Users may be held legally responsible for any litigious acts against the City resulting from statements made on the Internet or by e-mail.

Users shall place disclaimers on any E-mail communications between City Attorney and staff. Disclaimer shall state that **"all information contained in this communication shall be privileged as communications between attorney and client."**

The IT Department shall place disclaimers on all outgoing E-Mail stating the following: “CONFIDENTIALITY NOTICE: The information contained in this e-mail message is legally privileged and confidential information. It is intended only for the use of the individual or entity to which it was addressed. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this message is strictly prohibited. If you have received this e-mail in error, please immediately destroy the original and all copies and contact the City of Kennesaw at 770-424-8274.”

Retention: This policy shall comply in all respects with the Retention Schedules set forth by the State of Georgia, Georgia Archives in accordance with O.C.G.A 50-18-99.

Only essential files and E-mail should be saved. The IT Department will delete E-mail transactions in accordance with the Retention Schedule set forth by the State of Georgia. It is the responsibility of the Department Head to establish retention criteria for essential E-mail and other electronic records within his/her department.

Permanence: Users shall exercise the same care in drafting E-mail that would be applied to any other written communication. E-mail is more permanent than paper communications and anything said in E-mail may be discovered by an opponent in litigation. All E-mail communications shall follow the retention schedule as listed above.

Enforcement: All provisions of this policy are deemed rules of the City and violation of any could result in disciplinary action up to and including termination in accordance with the City of Kennesaw Personnel Manual.

Procedures:

The Department Head, or their delegated representative, is responsible for their employees’ compliance with the provisions of this policy and for investigating non-compliance. Before Internet or outside e-mail services are granted the employee and Department Head must sign the attached release form signifying the employee’s familiarity and acceptance of this policy statement. When an instance of non-compliance with this policy is discovered or suspected, the agency shall proceed in accordance with departmental and City personnel policies. Complaints about inappropriate or offensive E-mail should be promptly reported to the immediate supervisor. Such reports shall be taken seriously by the supervisor and carefully investigated. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the City network. User accounts and password access may be withdrawn without notice if a user violates the Acceptable Use Policy. Disciplinary action up to and including termination of employment may be imposed depending on the severity of the violation. Criminal or civil action against users may be initiated when laws are violated.

16.8 EMPLOYEE BREAKS

To achieve all of the City’s goals, both for employees and for the City of Kennesaw, employees must refrain from and avoid interruptions in their work performance during normal business hours.

All employees are allowed two fifteen minute breaks, one in the morning and one in the afternoon. During these breaks, employees are not to leave the premises unless given permission by their Department Head.

The cooperation of all employees is mandatory. All Department Heads and supervisors are required to understand and enforce this policy.

16.9 AMERICANS WITH DISABILITIES ACT

In order to comply with the Americans with Disabilities act, the City of Kennesaw will make reasonable accommodations for employees with disabilities when such reasonable accommodations will permit those employees to perform the essential functions of their respective jobs. Employees, who believe they are disabled, and who require a reasonable accommodation, should inform their supervisor and the Human Resources Director.

16.10 SEXUAL HARASSMENT POLICY

Discrimination on the basis of gender is a violation of Sec. 703 of Title VII of the Civil Rights Act of 1964. Sexual harassment has been deemed to be discrimination on the basis of gender, and is thus unlawful.

Sexual harassment of a city employee will not be tolerated. Any employee who reports such activities will be treated in a fair and equitable manner and will receive the cooperation of the City Administration in resolving problems.

1. DEFINITION

Sexual harassment is deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are by their nature and intent considered coercive contact.

Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- b. submission to or rejection of such conduct by an employee is used as the basis for employment decisions such as promotion, assignment, demotion, discipline, or discharge; or
- c. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

2. RESPONSIBILITY OF EMPLOYEE TO REPORT ACTIVITY

If an employee should be confronted by such an overture or conduct, it shall be the employee's responsibility to report such action to any supervisor, the Human Resources Director, or the City Manager immediately. The supervisory chain of command may be circumvented if the aggrieved employee deems it is necessary. The employee should be prepared to provide the following information at the time the complaint is made:

- a. the employee's name, department and position.
- b. the name of the person or persons committing the sexual harassment.
- c. the specific nature of the sexual harassment, how long it has gone on, and any employment decisions or threats made against the individual based on the harassment.
- d. witnesses to the harassment.
- e. whether there has been any previous report of such harassment and to whom and when.

3. RESPONSIBILITIES OF SUPERVISORY PERSONNEL

When and if sexual harassment is known or witnessed by supervisory personnel, it is the responsibility and the obligation of the Supervisor to submit a written report of such activity to the Department Head or the City Manager immediately for investigation. It is the obligation of management personnel to fully investigate the complaint with the assistance of the Human Resources Director, City Manager, or City Attorney. Job responsibilities and tasks which require on-duty contact between the individuals involved shall be restricted and minimized by management during the investigation process.

4. INVESTIGATION

The City of Kennesaw, as part of its commitment to equal employment opportunity, prohibits any acts of harassment on the basis of race, gender, sexual orientation, color, religion, age, national origin, disability, or veteran status. The City will not permit conduct, whether intentional or unintentional, occurring between employees or between an employee and a client, customer or other non-employee that creates an intimidating, hostile, or offensive working environment for employees.

Prohibited behavior includes, but is not limited to, the following:

- A) Conduct or language derogatory to race, color, religion, national origin, gender, sexual orientation, age, disability, or veteran status, including jokes, pranks, or epithets.
- B) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, national origin, gender, sexual orientation, age, disability, or veteran status which is graphically displayed and/or circulated in the workplace.

- C) Verbal or physical conduct of a sexual nature in which submission or rejection of such conduct is used as the basis for any employment decision with regard to the harassed individual.
- D) Unwelcome sexual advances or touching; requests for sexual favors; attempts to coerce an unwilling person into a sexual relationship; subjecting a person to unwanted or unwelcome sexual attention; sexual jokes, comments or innuendoes; or other conduct of a sexual nature (including matter involving persons of the same gender) which a reasonable person might find offensive. This includes but is not limited to, conduct such as: hazing, horseplay, or practical jokes based on an individual's gender, and displaying visual material such as posters, cartoons, calendars, or pictures of a sexual nature or depicting partially clad or nude individuals.

All employees are required to act in accordance with this policy and to bring violations to the City's attention. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

All levels of management are accountable for ensuring compliance with this policy in their respective areas of operation. Any supervisor or manager who observes, has knowledge of, or receives any complaint concerning harassment, however insignificant it may seem, shall immediately contact the City's Human Resources Director or the City Manager.

If an employee is a witness to, or subjected to, unlawful workplace harassment, that employee should immediately notify his/her supervisor. An employee who feels uncomfortable discussing the issue with the supervisor should notify an appropriate member of management (such as the City Manager) or the Human Resources Director.

Any employee who feels that a member of supervision is harassing him/her need not bring the matter directly to the attention of that supervisor, but should immediately bring the matter directly to the attention of those in higher management such as the City Manager.

The City will take appropriate action to investigate and resolve where possible all allegations or complaints of harassment. It will ensure that the confidentiality and privacy of individuals who report or are accused of harassment will be respected to the extent reasonably possible. Each employee is expected to cooperate fully and honestly with investigation of possible violations of this policy. Deliberately furnishing inaccurate information to investigators will be grounds for disciplinary action, up to and including discharge.

The City will not permit intimidation, harassment, or retaliation against anyone covered under this policy due to filing a complaint, assisting or participating in an investigation, opposing any lawful act or practice, or exercising any other right protected by law. Nevertheless, filing false or entirely frivolous complaints will not be tolerated, and will be grounds for disciplinary action.

16.11 COMMUNITY RELATIONS

Employees should afford every citizen courtesy and consideration. It is particularly important that a full, courteous explanation be given to a citizen when it is necessary to refuse a request or when the action requested is outside the jurisdiction of the City. In dealing with citizens'

complaints or questions beyond the authority of the employee having direct contact with the citizen, the employee is encouraged to direct the individual to his/her Supervisor for explanation or assistance.

16.12 EMPLOYEE SAFETY

Employees are expected to follow safety procedures established for their respective departments and to take an active part in protecting themselves, their fellow employees, city equipment, and property and private property from injury or destruction at all times.

Employees are encouraged to detect and required to report to their Supervisors any hazardous conditions or unsafe practices in the work place and to make suggestions for their correction. All employees share the responsibility of protecting themselves, their co-workers and the public from bodily injury and property damage. Accident prevention is a policy of the City of Kennesaw. Safety procedures shall have the primary goal of eliminating specific hazards to reduce the potential of accidents.

Department Heads and Supervisors shall be responsible for reviewing working conditions and establishing safety rules which provide some means of protection to the employee and city property.

Emphasis shall be placed upon conditions of facilities, equipment, and machines as well as implementation of an overall safety awareness program including:

- a. good housekeeping in the work area.
- b. use of prescribed protective equipment as a condition of employment.
- c. compliance with departmental work rules.
- d. condition of tools including: mechanical, electrical, hand, and power tools.
- e. proper use of a vehicle seat belt at all times.
- f. proper maintenance of electrical equipment.
- g. proper guarding of open pits, ditches, tanks, etc., powered equipment and machines, and trench boxes to be used in open cuts over 5 feet.
- h. proper storage and handling of flammable/combustible liquids.
- i. training in the use of portable fire equipment and first aid procedures.
- j. reduction of sources of excessive noise and dust through proper ventilation and personal protective equipment

- k. proper training in the elements of a task to identify and plan for any potentially hazardous conditions.

An employee shall report all work related accidents and injuries to his/her Supervisor as soon as possible after such incident. Failure to make timely reports could have serious consequences with relation to workers' compensation benefits should the injury later prove to be serious, and to claims made against the City by an individual suffering injury in the incident.

1. Public Works Safety Policy

It shall be the policy of the Public Works Department of the City of Kennesaw, that all employees shall at all times be required to follow the safety policies during performances of job duties as outlined below:

When working in, on, and around the street and street right-of-ways, always put out safety cones and/or barricades and proper signage for the job. Make sure the signs are removed when the work is complete. Do not leave "men working" signs out during lunch or over night when work is not in progress.

Safety vests shall be worn when working in the street or around street right of way.

All Public Works employees shall wear steel toe leather boots of ankle height (minimum 8 inches high).

Back braces shall be worn when doing any heavy lifting.

Hard hats shall be worn in areas and on jobs where there is any possible danger of head injuries from impact, flying, or falling objects.

Leather work gloves shall be worn when working on sanitation trucks.

Eye protection shall be worn when operating the following equipment: chain saws, pipe saws, weed eaters, mowers, etc. and when performing any job duty that may result in potential eye injury.

Ear protection shall be worn when operating the following equipment: jackhammers, limb chipper, and any other equipment of high noise levels that may present potential hearing loss.

Confined Space Entry

Examples of confined space entry include, but are not limited to, manholes, storm water boxes, storm drains, and meter vaults. Only employees trained on equipment shall be authorized to work on confined space entry jobs. Employees shall test air before entry. Employees shall

always carry air-testing equipment in confined space for continuous testing. Employees shall never enter confined space without having a trained worker standing by for rescue. Employees shall always have proper respiratory equipment, body harness, and tripod with lift on hand for rescue.

Excavations

Excavations of more than 5 (five) feet shall have adequate shoring or shield systems to withstand the forces of a cave in. If shoring is not used, sloping shall be done at the adequate slope for depth of trench and soil conditions. Excavation sites shall be inspected on a daily basis.

Any individual not complying with this policy shall be disciplined according to the rules and regulations of the City of Kennesaw Employee Personnel Manual, up to and including termination from employment.

This policy is instituted to guard against injury to the employees of the Public Works Department of the City of Kennesaw and is consistent with OSHA requirements and standards.

2. Parks & Recreation Department Use of Safety Cone Policy

It shall be the policy of the Parks and Recreation Department that all employees, shall at all times, be required to use safety cones during performance of job duties as outlined:

- 1) Cone off work areas on and around streets
- 2) Detouring traffic around work zones
- 3) Directing traffic to a specific area
- 4) Blocking off foot traffic from construction sites

This policy is instituted to guard against injury of the employees and general public.

3. Parks & Recreation Department Use of Chain Saw Chaps Policy

It shall be the policy of the Parks and Recreation Department that all employees, shall at all times, be required to wear chain saw chaps over their clothing when operating a chain saw.

This policy is instituted to guard against injury of the employees of the Parks and Recreation Department.

16.13 PERSONNEL RECORDS

Personnel Records of all employees shall be maintained by the Human Resources Director and shall be available for an individual employee to review upon request during normal office hours as described below.

A City employee may submit a written request to the Human Resources Director to examine his/her personnel records. The Human Resources Director will honor that request within seventy-

two (72) hours. Review of personnel records shall be done during regular working hours and in the presence of staff assigned to monitor such activity.

Department Heads shall have access to personnel records provided that the confidential nature of these records is maintained. Access to worker's compensation records and other personal information shall be made available to Department Heads and supervisors only on a need-to-know basis.

16.14 PAYROLL DEDUCTIONS

The only deductions made from an employee's payroll check are those required by law and those which the employee has authorized the City to make as a part of a benefit program or as described in this Policy and Procedures Manual. Any payroll deduction must be initially approved by the Human Resources Director before submission to the Finance Office.

16.15 REPORT CHANGE OF ADDRESS

An employee must report any change in address or phone number to his/her Department Head or the Human Resources Director within one week after such change occurs. Each Department Head should report all changes in address or phone number to the Human Resources Director in a timely manner but in no case shall the notice be withheld longer than one week.

SECTION 17 SUBSTANCE ABUSE POLICY

17.1 POLICY STATEMENT

The employees of the City of Kennesaw are considered to be a valued resource and the services they provide to the community are essential to the maintenance of a high quality of life for our citizens. The City is committed to provide its employees with a safe and healthy work environment and to provide to its residents an organization which upholds the standards of integrity, professionalism, accountability and pride. These objectives would be compromised if substance abuse, which creates negative impacts on the work force and reduces the employee's ability to perform the requirements of his/her position as expected by the City, exists among employees.

The use, abuse and dependency on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and the safety of others in the work place and the public with whom they have contact, cause damage to public and private property, erode the public trust, increase the cost of the provision of governmental services, and impair the individual's and co-worker's ability to satisfactorily perform their job duties. The City of Kennesaw hereby adopts a policy to address this sensitive and potentially dangerous issue of substance abuse.

The policy provides a balance between the responsibility of the City to protect itself and others from the negligent actions of an individual under the influence of alcohol/drugs while in the employment of the City, and the expectation of the employee to be protected from unreasonable personal invasion. The policy requires an employee to submit to an alcohol/drug test when there is reasonable cause to believe a use or abuse problem exists. Any employee who appears to be impaired or under the influence of alcohol shall be required to undergo testing by a blood alcohol measuring device. Any employee who appears to be impaired or under the influence of narcotics or a controlled substance will be removed from the work place and be required to report to a designated medical facility to undergo examination. Failure to comply is a disciplinary offense and may result in disciplinary action, up to and including termination. Additionally, the policy provides employees having an abuse problem the opportunity to overcome the problem through rehabilitation and treatment.

NOTE: Section 17 does not apply to drivers of commercial motor vehicles. Section 18 contains the City's Alcohol and Substance Abuse Policy in accordance with the Omnibus Transportation Employee Testing Act of 1991 and Department of Transportation regulations.

17.2 LEGAL DRUGS (including alcohol)

The use of any legally obtained drug, including alcohol, to the point where such use affects the employee's job performance is prohibited. No employee shall arrive on the City's premises under the effects of any drug which affects the employee's ability to perform his/her job, including the use of prescribed drugs under medical direction. In the event physician-directed use of drugs, including over-the-counter drugs, taken as directed by a

physician, or voluntarily, affects job performance, it is in the best interest of the employee, co-workers and the City that sick leave be utilized, or leave without pay, if sick leave is not available.

Any employee engaging in the misuse of alcoholic beverages on the City's premises is subject to disciplinary action. See Section 12.4 (F) "Grounds for Disciplinary Action."

17.3 ILLEGAL DRUGS

Definition of illegal drugs, for the purpose of this policy, includes:

1. drugs that are not legally obtainable; and,
2. drugs that are legally obtainable but have been obtained illegally.

The sale, possession, purchase, transfer, or use of illegal drugs by employees on the City's premises or while on city business is prohibited.

No employee shall arrive on the City's premises under the influence of any illegal drug. This prohibition applies to any or all forms of drugs whose sale, purchase, transfer, possession, or use is prohibited or restricted by law.

Any employee engaging in the sale, purchase, transfer, possession, or use of illegal drugs on the City's premises or while on city business is subject to disciplinary action and criminal prosecution. Further, any employee who is arrested for the sale, purchase, transfer, possession or use of illegal drugs off the job is subject to disciplinary action, upon conviction of such offense. Such conviction may result in termination.

17.4 PRE-EMPLOYMENT SCREENING

In an effort to contain the potential adverse effects of substance abuse, all individuals to whom a bona fide regular full-time or part-time job offer has been made will be tested and the results reported prior to the acceptance of the applicant by the City (see section 17.7 Testing Procedures). Any individual receiving a positive drug test result will be disqualified from consideration after a confirmation test has been performed with a positive result. The applicant will not be reconsidered for a position with the City until they produce a negative test obtained from a city-approved laboratory, at the applicant's cost.

17.5 POST-EMPLOYMENT TESTING

Any employee who exhibits behaviors which are associated with potential drug and/or alcohol use or abuse and whose behavior creates a reasonable suspicion to cause the Supervisor to believe the employee may be under the influence of drugs and/or alcohol shall be escorted by the Supervisor for testing and/or treatment.

The Supervisor shall immediately, or as soon as practical, report the incident to the Department Head. A written report outlining the material facts of the incident shall be prepared by the Supervisor and approved by the Department Head in a form acceptable to the Office of the City Manager.

Under no circumstances shall the employee be allowed to return to work prior to receipt of the drug test result and a review of the incident by the Office of the Human Resources Director. Until such a time as the employee is released to return to his/her job duties by the Office of the City Manager, the employee shall be placed on leave with pay. The results of the test shall be held in strict confidence and shall only be released on a "need to know" basis as determined by the Office of the Human Resources Director. All test results and subsequent medical records, if any, shall be maintained in a separate administrative file and shall be stored in a secure location.

If the results of the test are negative, the employee shall be authorized to return to normal duties. The personnel file shall not reflect any information with regard to the incident.

If the results of the test are positive, a second confirmatory test shall be performed utilizing the original specimen. If the second test also renders a positive result, the employee shall be notified and shall be placed on suspension without pay by the Department Head pending further disciplinary action or reinstatement.

Failure by the employee to comply with the request of the Supervisor to relinquish his/her duties and undergo testing when requested and failure by the employee to follow the procedures established herein with regard to such testing shall subject the employee to immediate termination.

All actions which affect the employment status of the employee shall be communicated to the employee in writing. Such notice shall be provided to the employee either in person, or by certified mail, within 72 hours of the receipt of the results from the laboratory.

17.6 REHABILITATION

In the event of a positive test result, or a voluntary admission of an abuse problem, the employee may be given the opportunity, at the option of the City, to seek professional assistance from a source approved by the City. Participation in an assistance program will be at the employee's expense but may be covered by the group health insurance plan subject to the provisions of said plan.

Successful completion of such a program is a prerequisite for a return to work authorization and/or continued employment.

Alcoholism is acknowledged as a disease and therefore may be treated as any other illness. An alcoholic employee, however, is potentially hazardous to himself and to others in the

workplace. Therefore, positive steps must be taken by the individual to eliminate his/her dependency on alcohol.

Upon successful completion of an assistance program, the City retains the right to request that the employee undergo periodic medical examination and testing to verify he has remained substance free for a period of at least one year. Failure to successfully complete an assistance program, to submit to post-program testing as required, and to remain substance free once a rehabilitation effort has been made will result in termination of employment with the City of Kennesaw.

A. Rehabilitation Contract

If the City decides to permit reinstatement after rehabilitation, it will require the employee to sign a rehabilitation contract. The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. the employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the substance abuse professional (SAP) or by a rehabilitation professional accepted by the City; and
2. the employee agrees to refrain from any violation of the city's alcohol and substance abuse policies and the use of controlled substances and alcohol consistent with the plan of rehabilitation and the city's policies; and
3. the employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. the employee agrees to unannounced random testing for periods of time determined by the city subsequent to the employee's return to work consistent with the city's alcohol and substance abuse policies; and
5. the employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substance and/or alcohol tests standards; and
6. any future controlled substance or alcohol violations shall result in termination the City of Kennesaw

17.7 TESTING PROCEDURES

When a Supervisor suspects an employee may be under the influence of alcohol and/or drugs or a controlled substance which is affecting the employee's ability to perform his/her job duties, the following substance testing procedures shall be followed:

1. The employee shall be removed from the work place immediately.
- 2a. If a Supervisor has reason to believe the employee is impaired or under the influence of alcohol, testing may be conducted by a certified operator or a blood alcohol measuring device certified by the State of Georgia Department of Health.
- 2b. If a Supervisor has reason to believe the employee is impaired or under the influence of drugs, the employee shall be escorted by a Supervisor to a medical facility approved by the City of Kennesaw. Under no circumstances shall the employee be allowed to operate a motor vehicle or leave the custody of a Supervisor.

When the employee is believed to be impaired or under the influence of drugs, the initial test to be performed will be the Enzyme Multiplied Immunoassay Technique (EMIT). The second confirmatory test (on the same sample) will be the Gas Chromatography/Mass Spectrometry test. The second test will be performed only in the event of a positive first test result.

3. When a drug test is required, the specimen collection shall be conducted by the medical staff at the facility in such a manner as to minimize the effects on the employee and with the employee's privacy as the primary concern.
4. An adequate sample will be collected at this time to ensure a second, confirmatory test may be performed, if required.
5. Proper chain of custody procedures shall be followed by the laboratory to safeguard the integrity of the sample. All samples shall be preserved in the event of future appeal and for court action.
6. The results of such tests shall be provided to the Office of the Human Resources Director within 72 hours of the tests. The Human Resources Director is authorized to receive the written test results and shall distribute such information on a "need to know basis" only. The test results are considered a closed file and shall be maintained in such a manner so as to protect the confidentiality of the employee involved.

17.8 VOLUNTARY DISCLOSURE

Any employee who voluntarily admits to having a substance abuse problem and seeks the assistance of the City to deal with the problem shall be expected to successfully complete an authorized rehabilitation program in order to maintain continued employment. (See section 17.6 Rehabilitation)

17.9 EDUCATION AND TRAINING

In order to effectively carry out the policy and procedures outlined herein, Supervisors will be trained to make the appropriate observations of the symptoms associated with drug and alcohol use and abuse. Substance abuse education is a form of prevention and early intervention. Employee health and emotional well being are essential to the ability of the individual to perform his/her job duties. Education and training efforts will be designed to assist the Supervisor with the responsibility of drug detection and to encourage employees to seek treatment.

17.10 CONFIDENTIALITY OF RECORDS

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the Medical Review Officer and the Substance abuse professional (see definitions included in section 18.3). Within the City, the records shall be maintained separately from other personnel and administrative records and shall be kept in a secured location.

Materials from these records shall not be released to others without the written consent of the affected employee, except under provisions provided for by law, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or matters initiated by the employee. Applicants may request the results of pre-employment tests in writing within sixty (60) days of learning the disposition of the employment application.

Employee alcohol and drug testing results and records are maintained for up to five (5) years.

SECTION 18 ALCOHOL & CONTROLLED SUBSTANCE USE, ABUSE & TESTING POLICY FOR DRIVERS OF COMMERCIAL MOTOR VEHICLES

18.1 PURPOSE

The purpose of the Omnibus Transportation Employee Testing Act of 1991 (the Act) and this policy is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; to assure covered employee fitness for duty; and, to protect City employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal regulations governing work place alcohol and controlled substance abuse programs which are mandated under the above noted Act. The Act mandates urine drug testing and breathalyzer alcohol tests for safety sensitive positions and prevents performance of safety sensitive functions when there is a positive test result. Federal law has also established standards for the: collection and testing of urine and breath specimens, the reporting of certain drug related offenses, protective measures, the preservation of confidentiality, and for certain reporting requirements.

18.2 APPLICABILITY

This policy applies to all employees who perform safety sensitive functions defined in the Act and its implementing regulations including persons who are required to possess a commercial drivers license (CDL) license for the operation of a commercial vehicle as defined and regulated under state law. All other city employees are governed by the policy outlined in Section 17 of this manual.

18.3 DEFINITIONS

Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol concentration: the concentration of alcohol in a person's breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol use: the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Commercial Motor Vehicle: a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property and defined as a commercial motor vehicle by state law (§40-5-142) and the Act:

- (a) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, or
- (b) has a gross vehicle weight rating of 26,001 or more pounds; or
- (c) is designed to transport 16 or more passengers, including the driver; or

- (d) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Confirmation Test: a second test conducted after an initial alcohol or drug test to confirm the presence of alcohol or drug metabolites in an employee's system. Confirmation tests for alcohol will be conducted using an approved evidential breath testing device and for drugs by testing urine by means of gas chromatography and mass spectrometry (GC/MS).

Controlled substance: the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated for testing in 49 CFR Part 40 including: opiates, amphetamines, cocaine, marijuana and phencyclidine.

Screening Test (initial test): the initial drug or alcohol test to determine whether an employee has controlled substances or prohibited concentration of alcohol in his/her system. Screening tests for alcohol are by breath test and, for controlled substances, a urine test by immunoassay, enzyme process or other method approved by 49 CFR 40.

Commercial Drivers License (CDL): a license issued pursuant to state law which authorizes an individual to operate a commercial motor vehicle.

Medical Review Officer (MRO): a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Substance Abuse Professional (SAP): a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Safety Sensitive Functions relating to the operation of commercial motor vehicles means: all time that a commercial motor vehicle driver is performing, ready to perform, or immediately available to perform the following tasks:

- 1) waiting to be dispatched, unless the driver has been relieved from duty;
- 2) inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- 3) driving time;
- 4) remaining in or upon any commercial motor vehicle, while not driving, except time spent resting in a sleeper berth;
- 5) loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded.

- 6) performing the driver requirements relating to accidents.
- 7) repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

18.4 POLICY ADMINISTRATOR

The City Manager, or his/her designee, shall be the controlled substance and alcohol policy administrator for the City. Any inquiries concerning this policy, its application, administration or its interpretation shall be made to the policy administrator or his/her designee.

The policy administrator shall maintain a current list of the City positions that are governed by this policy. This list shall be available for inspection by any individual who is applying for a position with the City, any current City employee, or the public. Current city employees shall be notified if they are subject to this policy.

The policy administrator shall develop any forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. (Part 40 CFR) The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

18.5 ALCOHOL & CONTROLLED SUBSTANCES PROHIBITIONS

The following are prohibited acts by an employee covered by this policy:

- a. Performance of Safety Sensitive Functions**
An employee is prohibited from performing any safety sensitive functions and from engaging in any work related functions: 1) while consuming alcohol; 2) while having an alcohol concentration of 0.02 or greater; 3) within four (4) hours after consuming alcohol; and/or 4) after refusing to submit to an alcohol test. An employee is prohibited from consuming alcohol within eight (8) hours after an accident for which the employee is subject to post accident testing as specified in this policy.
- b. Unauthorized Use and/or Possession of a Controlled Substance. Duty to Inform physician of performance of safety-sensitive functions and obtain release.**
An employee is prohibited from the unauthorized use and/or possession of a controlled substance at any time, whether on or off duty. In the event an employee is authorized to use a controlled substance by medical prescription, it is the employee's duty to inform the prescribing doctor that they perform safety sensitive functions while at work and to obtain from that doctor a release to perform such work while taking or using the prescribed substance. The employee is prohibited from using the prescribed substances other than in the amount and manner prescribed.

- c. Notification of Side Effects of Prescribed Controlled Substance.**
Any employee who is consuming a prescribed or authorized controlled substance or other drug of any kind whose side effects may inhibit or impair the employee's performance shall notify the supervisor of such consumption upon reporting to work and prior to engaging in any work related activity.
- d. Unauthorized Possession of Alcohol on Duty.**
An employee is prohibited from the unauthorized possession of alcohol while on duty.
- e. Requirements for Employee to Notify of Violation/Conviction**
Any employee whose job performance requires the possession of a valid CDL must notify the policy administrator of any conviction for a violation of any state or local law relating to motor vehicle traffic control (other than parking violations) within thirty (30) days of the conviction. In addition, such an employee who loses the CDL for a violation of or as a consequence of the law or any administrative action shall notify the policy administrator immediately of the loss of the CDL.
- f. Consequences of Testing Positive.**
An employee testing positive on an alcohol and/or controlled substance test will be removed from duty immediately. The City is not required to return employees to duty who have tested positive, or otherwise violated this policy, to a safety sensitive position or to retain them as employees. Moreover, in accordance with federal law, an employee cannot be returned to safety sensitive duties until he or she has been evaluated by a substance abuse professional, has complied with recommended rehabilitation, and has received a negative result on the return to duty test.

An employee who violates any of these provisions or tests positive for drugs or alcohol may be subject to disciplinary action up to and including termination.

18.6 CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROVISIONS

A. TESTING

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment, random, reasonable suspicion, post-accident, return to work, and follow-up testing.

- 1. Pre-Employment Testing**
Pre-employment urine drug testing and alcohol testing, if mandated by federal regulations, shall be required of all applicants for positions covered by this

policy as a condition of the application procedure. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety sensitive functions for the first time. The failure of a controlled substance or alcohol test disqualifies an applicant from appointment to City employment for a period of at least 120 days. A negative controlled substance and alcohol test shall be required prior to further consideration for any employment. An applicant who tests positive will not qualify for rehabilitation services through the City.

2. Reasonable Suspicion Testing

Reasonable suspicion urine and/or breath alcohol testing shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. The determination that reasonable suspicion exists must be based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech and body odors of the employee. The observations for controlled substances may include indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing supervisor or manager is required to complete the appropriate required documentation within twenty four (24) hours of the observed behavior or before the results of a controlled substance test are released, which ever is sooner.

Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing. The City will document the reasons for not promptly conducting the required tests.

3. Post Accident Testing

Federal Highway Administration regulations require alcohol and controlled substance testing following an accident for any employee who was performing safety sensitive functions if the accident involved a fatality or for any employee who receives a citation for a moving traffic violation. The City also may require testing for all employees whose performance may have contributed to the accident, as well as the employee(s) who was (were) involved in the accident when injury to a person requires transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the accident site

Post accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case, no later than before

eight (8) hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. The City will document the reasons for not promptly conducting the required tests.

Any employee who leaves the scene of an accident without appropriate authorization prior to submission to controlled substance and alcohol testing shall be considered to have refused the tests and the employee's employment may be terminated for such action. This does not require the delay of medical attention or other assistance necessary in responding to the accident.

4. Random Testing

Random testing shall be conducted on employees performing safety sensitive functions. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Random testing shall occur no less frequently than required by federal law and shall result in the employee test rate required by federal regulation.

5. Return to Duty Testing

Return to duty urine drug and/or breath alcohol testing shall be required for an employee who has previously tested positive for either category of substance or who admitted alcohol or substance abuse and received treatment for such abuse. To return to work, the employee must test negative and be evaluated and released to return to work by a SAP.

6. Follow-Up Testing

Follow-up testing of any employee allowed to return to work will be required. The employee will be required to submit to frequent unannounced random urine drug and/or breath alcohol testing for at least six (6) times in the following twelve (12) months after return to work. Follow up testing may be continued for a period of up to sixty (60) months from the employee's return to work date.

7. Confirmatory Testing

Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample, and the test analysis may be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a retest must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

B. FAILURE TO TEST

Any employee who:

- fails to report immediately to the test site and/or
- fails to submit to the required testing, including all required testing procedures and/or
- fails to provide an adequate sample of urine for controlled substance testing or breath for alcohol testing without medical justification and/or
- provides an altered sample of urine

is considered to have refused to test and shall be subject to disciplinary action up to and including termination. An employee who states at the time of the test that he/she is physically unable to provide an adequate urine or breath sample shall be evaluated by a licensed physician selected by the City.

C. TESTING PROCEDURES AND RESULTS

1. Alcohol

Alcohol tests are conducted on evidential breath testing devices that measure the concentration of alcohol in breath. An initial screening test will be conducted. Any result that is less than 0.02 alcohol concentration is considered negative. If the alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with an alcohol concentration of 0.02 or greater shall be removed from safety sensitive duties for at least twenty-four (24) hours.

If the alcohol concentration is .04 or greater, the test is considered positive. Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work related activity and the employee shall not be permitted to resume work, if at all, until the employee is (1) evaluated by a SAP, and (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in the return to duty test.

2. Controlled Substances

Controlled substance testing is conducted for the following controlled substances: (1) Marijuana (THC metabolite), (2) Cocaine, (3) Amphetamines, (4) Opiates (including heroin), and (5) Phencyclidine (PCP).

Individuals tested under this policy must provide a urine specimen that will be tested at a laboratory selected by the City. Adequate chain of custody methods will be followed to assure that the security, integrity and identification of each specimen is protected. The actual testing for controlled substances is a two-stage process. An initial screening test is conducted. If the screening test is positive for one or more of

the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GS/MS) analysis.

Any employee who tests positive on the confirmatory test shall be interviewed by the City's Medical Review Officer (MRO). The MRO will attempt to determine if there is an alternative medical explanation for the test result. The employee will be notified of the results, whether positive or negative. As discussed above, an employee may request a confirmation test of a positive result.

18.7 EMPLOYMENT ASSESSMENT

An employee who participates in testing and tests positive shall be removed from safety sensitive functions for a minimum of twenty-four hours and until evaluated by an SAP as outlined below. (Part 382.505 and 382.605 CFR) An employee who tests positive for either the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by a SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol abuse. Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City. An employee violating this policy or other applicable drug and alcohol rules may be subject to disciplinary action up to and including termination, and, further, an employee who is engaging in an illegal activity shall be subject to prosecution under applicable criminal law.

18.8 REHABILITATION

Section 17.6 of this manual contains the City's policy on rehabilitation and Section 17.8 contains provisions relating to the voluntary admission of an alcohol or controlled substance abuse problem.

18.9 EDUCATION AND TRAINING

The City shall provide all employees with a copy of this policy and shall display and distribute materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to employees regarding available treatment and rehabilitation.

All supervisors and managers who are responsible for the administration and enforcement of this policy shall receive at a minimum sixty (60) minutes of training for each topic (alcohol and substance abuse) on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol and controlled substance use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol and controlled substance consumption. The training shall include an overview of this policy and its implementation and application to employees.

Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

18.10 CONFIDENTIALITY OF RECORDS

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO and the SAP within the City, the records shall be maintained separately from other personnel and administrative records and shall be kept in a secured location.

Materials from these records shall not be released to others without the written consent of the affected employee, except under provisions provided for by law, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or matters initiated by the employee. Applicants may request the results of pre-employment tests within sixty (60) days of learning the disposition of the employment application.

Employee alcohol and drug testing results and records are maintained for up to five (5) years

18.11 REFERENCE

The following reference materials may be consulted for guidance in administering this policy:

- 1) Omnibus Transportation Employee Testing Act of 1991
- 2) 49 CFR 40 (Testing Procedures)
- 3) 49 CFR 382 (Testing of CDL drivers)

SECTION 19 REPEAL AND AMENDMENT

The City Council may from time to time repeal or amend the Personnel Policies of the City as deemed necessary.

Standard policies and procedures concerning the relationship between the City and its employees will be produced in writing and will be made available to all concerned. When the need for new or revised rules and regulations is indicated, it will be referred to the City Manager to consider the establishment of such policy. The City Manager shall recommend changes to the Mayor and Council for review and approval.