

**CITY OF MIDDLETOWN**  
**ORDINANCE # 5-11-2023-A, SERIES 2023 (as amended)**  
**AN ORDINANCE RELATING TO REPEALING AND REPLACING THE CITY'S EMPLOYEE MANUAL**  
**ORDINANCE IN CHAPTER 37 IN THE CODE OF ORDINANCES**

**WHEREAS**, the City of Middletown City Commission finds that the rules governing employment with the city require periodic updating to comply to changes in employment law and to better fit the needs of both the city administration and city employees,

**AND WHEREAS**, the city has conducted a review of its employee manual ordinances in Codified Ordinance Chapter 37 and the City Commission finds that Chapter 37 should be repealed in its entirety and replaced with an undated employee manual,

**NOW THEREFORE, BE IT ORDAINED BY THE MIDDLETOWN CITY COMMISSION:**

Section 1: City of Middletown Code of Ordinance, Chapter 37 is hereby repealed in its entirety.

Section 2: The City of Middletown Commission does hereby adopt a new Chapter 37 of its Codified Ordinances to read as follows:

*About the City of Middletown Handbook*

The purpose of the City of Middletown Employee Handbook is to establish a uniform system for managing personnel matters for all city employees. This Handbook and the policies that it contains provide direction for you in the performance of your employment duties so that you can successfully contribute to the fulfillment of the city's mission.

The policies contained in this Handbook are designed to reinforce the core values of the City of Middletown. We believe that when you act in a manner consistent with the city's core values in your employment activities, both you and the citizens we serve will prosper.

The city's core values serve as the cultural foundation of the organization. They embody the spirit and collective conscience of the city and its employees. Our core values describe how we fulfill our mission by representing the enduring ideals and principals that guide our actions.

We believe:

- Kentucky's cities play an essential role in shaping the future of the Commonwealth.
- Local decisions are best made at the local level.
- Our exceptional services help our city function effectively and enhance the quality of life within the city.
- Building and cultivating relationships with other governments, businesses, and individuals furthers the mission of the city.

We embrace:

- Customer service based on attentive listening and measured by timely and appropriate responses.
- Credibility built on a commitment to high ethical standards, accountability, competence, and non-partisanship.
- Teamwork and continuous learning that drives improvement and innovation.
- Caring and mutual respect that foster a supportive working environment.

Regardless of your primary area of work concentration, you are foremost an employee of the City of Middletown. While each city employee has different responsibilities, job duties and departmental assignments in the organizational structure, employees are expected to work as a team toward the common goal of advancing the interests of the city.

We are pleased you are part of the city family and hope you view your employment as an opportunity to help advance our community and thereby make it an even better place for future generations.

### *City Government and Organization*

The City of Middletown operates under the commission form of government. Every city organized under the commission plan must have an elected mayor, and four elected commissioners. The mayor and commissioners together comprise the city commission. KRS 83A.140(2); 83A.030(2).

In the commission form of government, all executive, administrative, and legislative authority of the city is vested in and exercised by the city commission as a body. The executive and legislative branches of government are combined in the city commission with limited exceptions as explained below.

In the commission form of government, the city commission is required by KRS 83A.140(6) to separate all the administrative and service functions of the city into departments by ordinance. The ordinance must set forth the functions of the department, and the duties and responsibilities of the department director/supervisors and employees. Each department must be placed under the superintendence of one of the city commission members at the city commission's first meeting each year. KRS 83A.140(6) gives individual city commissioners authority to exercise certain executive and administrative powers on a day-to-day basis within their superintendent role; however, ultimate authority rests with the city commission acting as a body. In other words, the city commission acting as a body has the power to review and, if necessary, override any decision made or any action taken by an individual commissioner in their superintendent role. Special meetings may be called by the mayor or a majority of the city commissioners.

#### Powers and Duties of the Mayor

In commission cities under KRS 83A.140, the mayor is a full voting member of the legislative body with only limited additional responsibilities and authorities as mayor. These responsibilities and authorities are the following:

- a. The mayor shall preside at all meetings of the commission and may vote in all proceedings.
- b. All bonds, notes, contracts and written obligations of the city authorized by ordinance or resolution shall be executed by the mayor on behalf of the city.
- c. Many state statutes assign the mayor the authority and responsibility to appoint individuals to some, but not all, boards and commissions. Specific statutes applying to each board or commission should be consulted to determine the appropriate appointment procedure.
- d. The mayor also acts as the ceremonial head of the city government and is recognized as the head of the city government by the Governor for purposes of military law and in emergencies.

#### Powers and Duties of the Commission

In commission cities under KRS 83A.140, the commission as the legislative body wields legislative, executive, and administrative power. The commission has the power to:

- a. Enforce the commission plan, ordinances and orders of the city and all applicable statutes.
- b. Maintain liaison with related units of local government respecting interlocal contracting and joint activities.
- c. Supervise all departments of city government and the conduct of all city officers and employees under its jurisdiction and may require each department to make such reports to it as it finds necessary.
- d. The commission shall report to the public on the condition and needs of the city government as provided by ordinance, but not less than annually.
- e. The commission shall designate one city commissioner to serve as mayor pro tem. The mayor pro tem shall act for the mayor whenever the mayor is unable to attend to the duties of his office and he shall then possess all rights, powers and duties of mayor. If the disability of the mayor to attend to his duties continues for sixty (60) consecutive days, the office of mayor may be

declared vacant by a majority vote of the commission membership.

- f. In carrying out its duty to supervise the departments of city government and the conduct of all city officers and employees under its jurisdiction, the commission may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his official duties.
- g. Regular meetings of the commission shall be held at least once a month at such times and places as are fixed by ordinance.
- h. The commission shall by ordinance establish all appointive offices and the duties and responsibilities of those offices and codes, rules and regulations for the public health, safety and welfare.
- i. The commission shall by ordinance provide for sufficient revenue to operate city government and shall appropriate such funds in a budget which shall provide for the orderly management of the city's resources.
- j. The commission shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statute, ordinance, or order.

#### ***Effect, Amendment and Application of Handbook Policies***

- (1) The City of Middletown Employee Handbook (2023 Edition) contains information about the city's employment policies and procedures and an overview of the city's benefits. For specific information about employee benefits, you should refer to the plan documents, which are controlling. The policies and procedures in this Handbook are guidelines only. The city reserves the right to interpret and administer the provisions of this Handbook as needed. The provisions of this Handbook will repeal and replace all previously adopted policies and procedures governing employment with the city.
- (2) Except for the policy of at-will employment, which can only be changed in writing by the city commission, this Handbook and any of the policies and procedures contained herein are subject to change at the discretion of the city. The city may amend or terminate any policy or procedure contained in this Handbook at any time, with or without notice. However, the city will endeavor to communicate any changes to all employees in a timely fashion.
- (3) Each employee should read and become familiar with the information contained in this Handbook. Failure to comply with the city's policies or procedures may result in discipline, up to and including termination.
- (4) The provisions in this Handbook are not intended to in any way create any contractual obligations with respect to your employment.
- (5) These policies and procedures are intended to cover most personnel problems, actions and issues which may arise. Those not specifically covered will be interpreted by the city commission; such interpretation will be in concert with the spirit and letter of these policies and procedures. In addition, the city commission may write administrative memoranda to interpret or clarify existing policies. These memoranda will have the force of policy and will be filed with the personnel policies and procedures.
- (6) The policies contained in this Handbook apply to all nonelected officers and employees of the city regardless of their departmental assignment or primary responsibilities. These policies may also apply to volunteers, elected officials, and members of boards or commissions as required by state and federal law or as noted within the policy.

### *Employee Handbook*

The city clerk will ensure that a current copy of the employee Handbook is prepared and distributed to all new and current employees. All employees are expected to read and sign the Handbook Acknowledgement (HR Form One) within 30 days of employment or within 30 days of any amendment to the Handbook. The city clerk will maintain a copy of the Handbook Acknowledgement Form in the employee's personnel file pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.

### *Administration of the City Personnel System*

- (1) The city's policies are applied and enforced by the city commission and supervisory employees, which include department directors and managers. The city expects supervisory staff to foster a working environment where employees take the primary role in their own professional growth and development. Supervisory employees should provide continuous feedback to their employees regarding performance and should immediately address any potential infractions of these policies with employees.
- (2) To ensure fairness and consistency in all personnel matters, the city has designated the mayor as the personnel officer to be responsible for general oversight of the city's administrative staff. The public works director will serve as the personnel officer responsible for general oversight of all public works employees. The chief of police will serve as the personnel officer for all police staff. As will be more fully discussed in Section 2, any job action taken because of a violation of the city's personnel system will require any and all final actions to be made by the city commission as a body.
- (3) Notification to the city commission and compliance with the procedures established by the city are required prior to a department supervisory employee or other employee conducting any interview for potential employment or internship, making any offer of employment or internship, or making any modifications to the compensation or benefits of employees. No supervisory employee or other employee will alter, suspend, or fail to enforce or adhere to the policies contained in this Handbook.

### *Conflicting Policies*

In the event of any conflicting policies, rules, or regulations, those that apply shall be based on the following in descending order: Kentucky Revised Statutes; City of Middletown Code of Ordinances; City of Middletown Municipal and Executive Orders, the City of Middletown Employee Handbook; the City of Middletown Police Department Standard Operating Procedures; and finally, any departmental policy and procedures manual or written directives.

### *Severability*

If any provision of these policies or any procedure for their subsequent application is held invalid, such invalidation will have no bearing or effect on any other parts or sections.

## **Section 2 – Hiring and Employment**

### *At-Will Employment*

All city employees are at-will employees. This means there is no contract of employment, express or implied, and that either the city or the employee is free to terminate the employment relationship at any time, with or without cause. The city's At-Will Employment Policy will only be varied by a specific written agreement that is entered into and signed by the city commission and an individual employee. Therefore, nothing contained in this Handbook, or any other document provided to the employee will be relied upon or interpreted to form a contract binding upon the city regarding any benefit, policy, procedure, or other term or condition of employment.

### *Equal Opportunity Employer*

- (1) The city is an equal opportunity employer. It is the city's policy to afford equal employment opportunity to all qualified persons regardless of race, color, religion, age, sex, sexual orientation, genetic makeup, gender identity, pregnancy, childbirth, pregnancy/childbirth-related medical conditions, national origin, disability, veteran or family status, an individual's status as a smoker or nonsmoker, or any other status or condition protected by applicable local, state or federal laws, except where a bona fide occupational qualification applies.
- (2) The city's commitment as an equal opportunity employer extends to all its employment and personnel practices including job opportunities, promotions, pay and benefits, discipline, discharge, training, and other social and recreational activities sponsored by the city.
- (3) The harassment, retaliation, coercion, interference, or intimidation of any employee due to that employee's race, religion, color, national origin, sex, sexual orientation, genetic makeup, gender identity, pregnancy, childbirth, pregnancy/childbirth-related medical conditions, age, disability, veteran, or family status, or because the employee is a smoker or nonsmoker is strictly forbidden. Any employee who experiences such treatment should immediately report it to their supervisor or other supervisory or management staff in accordance with the Sexual and Nonsexual Harassment Policy within Section 3 of this Handbook.

### *Americans with Disabilities Act (ADA)*

- (1) The city will offer equal employment opportunities for qualified individuals who may have a physical or mental disability, including medical conditions related to pregnancy, but who can still perform the essential job functions with or without reasonable accommodations. The city will provide reasonable accommodations to individuals qualifying under ADA only when that accommodation does not create an "undue hardship" to the city.
- (2) Any employee who feels they may need an accommodation to perform their job functions should notify their supervisor in writing. Because analysis under the ADA requires an open dialogue between the employee and the employer, the employee and the supervisor are encouraged to discuss the situation openly and involve the mayor as the city personnel officer, the city commission and other necessary staff as appropriate.
- (3) Medical information may be requested by the city to assist in understanding the employee's capabilities and limitations.

### *Immigration Reform and Control Act (IRCA)*

- (1) The city will comply with the [Immigration Reform and Control Act of 1986](#) (IRCA), including Form I-9 requirements.
- (2) Under IRCA, all employers must complete an Employment Eligibility Verification Forms, commonly known as [Form I-9](#), for all current employees and maintain those forms in a separate file for the longer of either:
  - a. Three years from the first day of employment; or
  - b. One year after the employment ended.
- (3) IRCA prohibits employers from:
  - a. Knowingly hiring, recruiting, or referring (for a fee) aliens who are not authorized to work in the U.S.
  - b. Requiring specific documents to complete Form I-9.
  - c. Retaliating against employees that file a charge or participate in an investigation.

### *Application and Advertisement of Vacant Positions*

When a vacancy occurs, announcements for positions, other than those filled from within, shall be publicized in a manner determined to be most beneficial to the city by the mayor as the city personnel officer subject to city commission oversight and input. Current city employees may be notified of the vacancy by placing written notice(s) in strategic locations throughout city offices. Notices posted will include position title, summary of duties, position qualifications, and the time limit for applying. Employees who wish to apply for the position must present a completed Employment Application Form to the city clerk. The city commission may fill the vacancy by either promoting a current employee or employing a person from outside of the existing city government organization. When announcements of vacant position(s) are made outside of the organization, any of the following procedures may apply:

- (1) The city's open application policy allows persons interested in employment with the city to complete an Employment Application Form at any time, regardless of whether a vacancy exists, indicating the position(s) applicable. A completed Employment Application Forms will be considered active for a period of three months. Positions shall be left open for application for at least ten days unless the commission waives this requirement.
- (2) The city may advertise all vacant position(s) in a newspaper or other form of media. All announcements will include such information as where to apply, deadline for applications, pay range for the position, summary of duties, and position qualifications. All written announcements of vacant position(s) will also contain the following statement, "An Equal Opportunity Employer." Written announcements of vacant position(s) also may include, "Any applicant who needs an ADA accommodation in the employment selection process will request the accommodation from the city clerk."

### *Application for Position*

- (1) An Employment Application Form supplied by the city and completed by the applicant will include information about the applicant's training, experience, and additional information as required. Upon request, applicants will be given a copy of the job description stating the duties of the position.
- (2) No person may be appointed to a position unless information on the official Employment Application Form is verified, and they meet the qualifications for the position as set forth in the position description.
- (3) The Employment Application Form must be signed and dated by the applicant.

### *Promotions and Transfers*

Vacancies may be filled by transfer or promotion from within the city. However, the city must advertise open positions even if there are internal city employee candidates for transfer or promotion. Employees may apply for the position by submitting a written request through the city clerk. An employee may be transferred or promoted from one position to another only if the employee has the qualifications for the higher position. The same procedures as those authorized for ascertaining qualifications for initial appointment to a position will be followed. All pertinent documentation of said transfer or promotion will be entered into the employee's personnel file.

### *Hiring and Selection*

- (1) Appointment to a position within the city will be made only after it has been determined the person being considered meets the qualifications set out in the current job description for which the appointment is made.
- (2) The policy will apply to current employees who request a transfer or promotion to a vacant position, as well as new applicants for employment or reemployment.

- (3) The qualification of an applicant for a position will be ascertained based on one or more of the following:
  - a. Information the applicant supplies on the official Employment Application Form.
  - b. Written, performance, or physical tests or examination or any combination which may be required for the position.
  - c. Personal interview.
  - d. Information and evaluations supplied by references given by the applicant.
  - e. Prior to employment with the city, but only after an offer of employment with the city, the prospective employee with Middletown Police and/or Middletown Public Works, must submit to and pass a pre-employment drug test.
  - f. Other appropriate information as determined.

#### ***Employment of Family Members***

Pursuant to the city's Ethics Ordinance, No.:38.055:

The city finds that due to the size of its government and the lack of compensation to its elected officials, and the casual service historically rendered by family members, any prohibition of employment based solely on relationships is not in the best interests of the city or its taxpayers. The city recognizes that any expenditure of public funds is a public trust. Any relationship must be fully disclosed to the City Commission. In this section, "family member" is defined as a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

#### ***Reporting Code of Ethics Violations and Penalties***

- (1) An employee who becomes aware of a violation of any policy in the Code of Ethics should report the violation promptly to any one of the following:
  - a. The Board of Ethics;
  - b. Their immediate supervisor or department director;
  - c. The city clerk;
  - d. The city attorney;
  - e. The mayor;
  - f. Any member of the city commission; or
  - g. Any supervisor with whom the employee feels comfortable discussing the matter.
- (2) All reports of a violation of the Code of Ethics shall be reduced to writing by the reporting employee or by the person receiving the report. The employee may use the Complaint Form (HR Form Eleven) for this purpose. The report shall be signed by the complaining employee. All reports of violations will be kept confidential to the extent feasible and appropriate under the circumstances.
  - a. All reports shall be reviewed and investigated. The violation will be investigated by the Board of Ethics. The results of the investigation will be communicated to the complainant, the alleged policy violator, and the city commission. Any employee found to have engaged in misconduct constituting a violation of this policy will be appropriately disciplined, up to, and including, dismissal.

- b. As provided under the Protection Against Retaliation for City Employees Policy in Section 4 of this Handbook, an employee making a report under this policy will not be discriminated against, or be subject to retaliation in any way, for having made the report. Any person found to have discriminated, or retaliated, against an employee who makes a complaint shall be subject to disciplinary action, up to, and including, dismissal.
  - c. The city recognizes that the question of whether a particular course of conduct constitutes a violation of the city's Code of Ethics may require a factual determination. The city also recognizes that false accusations have serious impacts on innocent parties. If an investigation results in a finding that the complaining party made a false accusation with malice, or with a reckless disregard for the truth, the complaining party will be subject to appropriate sanctions, including dismissal.
- (3) An employee may speak directly to any member of the Board of Ethics about a violation of the Code of Ethics if the employee has reported a violation to members of management without result.
  - (4) Any report regarding an elected city officer shall be submitted to the city Board of Ethics, who shall determine the course of the investigation and the proper manner to address the complaint.

#### ***Background and Reference Checks***

- (1) It is the policy of the city to perform pre-employment background checks pursuant to KRS Chapter 335B. The purpose of performing these checks is to determine and/or confirm, within appropriate legal and professional limits, the qualifications and suitability of a candidate for the employment position for which the candidate is being considered. Many of our employees' job duties involve working closely with other employees and/or the public, significant city-related driving, access to safety-sensitive and expensive tools and machinery, access to confidential information, or access to financial accounts. Therefore, criminal records may exclude candidates with certain criminal convictions that are determined to be job-related, as discussed below. This policy will help ensure that employment-related decisions utilizing pre-employment background checks are made in accordance with applicable law.
- (2) The city will perform pre-employment background checks on all candidates for employment once they have been offered the employment position by using the Background Check Release (HR Form Three). Review will be limited to information regarding only convictions that are determined to be job-related and consistent with business necessity, as discussed below. In addition, if an employee changes positions within the city, an additional criminal background check may be required.
- (3) Candidates for employment within the police department may be subject to different requirements for pre-employment background checks. Please refer to the Police Department policies and procedures for more information.
- (4) The city requests that employees identify any arrests or criminal convictions and complete a self-disclosure form. The city will individually evaluate any arrest or criminal conviction disclosed by an employee prior to deciding that employee's suitability for initial employment or continued employment.
- (5) In addition to KRS Chapter 335B, the city complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal employment opportunity laws and all other applicable legal authority that affect the performing of pre-employment background checks.
- (6) The results of a pre-employment background check are confidential and are only to be shared with employees of the city on a strict "need to know" basis.



- (7) Under no circumstances is having a criminal history or conviction an automatic exclusion to a candidate's eligibility for employment.
- (8) All candidates are required to sign appropriate authorizations and consents to allow the city to perform any pre-employment background checks.
- (9) Background checks are conducted in accordance with all applicable federal, state, and local laws, including any state-law restrictions regarding criminal history information that may be obtained and/or used by the city for employment purposes.
- (10) This policy does not override city policy that candidates providing false or misleading information on their application, during an interview, or at any time during the hiring process, may be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed for the city to make a hiring decision.
- (11) Pre-employment background checks should normally be completed after a conditional offer of employment to the candidate. Therefore, all job offers should be conditioned upon satisfactory completion of the pre-employment background checks.
- (12) Prior to taking any adverse action as to a job candidate, appropriate pre-adverse and adverse action notices will be sent to the candidate pursuant to federal and any state FCRA laws together with a copy of the report.
- (13) All candidates will be individually reviewed by the city commission and the appropriate position supervisor. Decisions will be made with respect to employment based on the totality of the candidate's qualifications and the relevant results of the pre-employment background check.
- (14) In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment, or employee's eligibility for continued employment, is based upon the following factors:
  - a. The nature and gravity of the offense for which the applicant or employee was convicted;
  - b. The time that has passed since the conviction and completion of the sentence; and
  - c. The nature of the job held or sought.
- (15) The city will only consider final adjudications of guilt (i.e., convictions and guilty pleas) for the potentially disqualifying offenses listed below, or other offenses determined to be job-related. Convictions that have been expunged, discharged, or otherwise vacated will not be considered. Various states use different terminology regarding convictions. Therefore, if it is unclear whether a certain offense resulted in a conviction, the city attorney should be consulted.
- (16) A criminal history or conviction does not automatically preclude a candidate's eligibility for employment. To assist supervisors and the city commission in reviewing criminal records, below is a list of convictions that may disqualify an applicant or employee from employment with the city:
  - a. Crimes Involving Violence, Theft, or Drug Distribution/Trafficking: Certain crimes involving violence, theft, or drug distribution/trafficking have been determined to be job-related to all positions within the city. Disqualification of applicants or dismissal of employees with certain convictions outlined below is consistent with federal and state requirements.
    1. Violent Crimes: The city has determined that felony convictions within the past seven years for crimes involving violence may disqualify an applicant or employee because of workplace violence concerns, our desire to provide a safe workplace for employees and customers, and because many of the city employees

have significant interaction with customers and/or coworkers on a day-to-day basis and the city desires these interactions to be safe as well.

2. Theft or Property-Related Crimes: The city has determined that felony convictions within the past seven years for crimes involving theft, dishonesty, breach of trust, or destruction of property may disqualify an applicant or employee due to access to equipment and tools, inventory, proprietary information, and/or financial or confidential information.
  3. Drug Distribution/Trafficking Crimes: The city has determined that felony convictions within the past seven years for crimes involving drug distribution or trafficking may disqualify an applicant or employee because these convictions also indicate a general disregard for federal, state, or local law.
  4. The city does not generally disqualify applicants or dismiss employees for drug possession or use convictions. This does not affect the application of its Drug- and Alcohol-Free Workplace Policy.
- b. Computer Crimes: Because of access to city confidential and proprietary information, customer information, financial information, and/or computer systems, the city has determined that felony convictions within the past seven years for computer-related offenses are job-related for management and office positions. Applicants or employees in these job categories who have been convicted of such computer crimes present an unacceptable risk to the city and may therefore be disqualified, absent mitigating circumstances.
  - c. Driving Crimes: To reduce potential city liability, the city must review applicant and employee driving records for jobs where the job duties include significant amounts of unsupervised, city-related driving. The city will comply with all federal, state, and local requirements regarding motor vehicle record checks including, but not limited to, obtaining consent from the applicant or employee prior to requesting the record and complying with federal and/or state FCRA requirements. Felony convictions within the past seven years for vehicle-related offenses, including, but not limited to DUI and DWI, have been determined to be job-related and present an unacceptable risk to the city. Therefore, applicants and employees in positions that involve business-related driving who have been convicted of such offenses may be disqualified, absent mitigating circumstances.
  - d. Individualized Assessment: Before any applicant or employee is disqualified based on their criminal history, the applicant or employee will be given an opportunity to provide individual information regarding the circumstances of that their criminal history. The city clerk will request that the applicant or employee submit a written, signed statement regarding their criminal history. The city commission and the position supervisor will consider all information provided by each applicant or employee to determine whether the information provided sufficiently mitigates the circumstances of the disqualifying conviction pursuant to KRS Chapter 335B.
- (17) Credit checks are generally not part of the background check process and are not used to make hiring decisions. In certain positions, such as treasury functions and accounts payable/receivable, a credit check shall be performed due to the nature of the responsibilities for such jobs, including access to city accounts and cash and the ability to be bonded. Each applicant's or employee's credit history will be reviewed, in the context of all other available information regarding the applicant or employee, to determine whether their credit history poses an unacceptable risk to the city. Such applicants or employees will be provided with an opportunity to explain their credit history prior to a final determination.

### *Medical Examinations*

- (1) In reviewing applicants' qualifications for certain positions and ensuring that currently employed workers are fit and capable of performing the essential functions of their positions, the city requires individuals to undergo physical examinations, which can include drug tests.
- (2) The general purpose of these examinations is to determine whether the individuals being tested are physically able to perform the essential functions of the job in question without creating a significant threat to the safety or well-being of the individual, other employees, or members of the public. These examinations and tests are conducted on a nondiscriminatory basis and in conformance with the requirements of the Americans with Disabilities Act and other federal, state, and local laws guaranteeing fair treatment and equal employment opportunity to individuals with disabilities and members of other protected groups.
- (3) Applicants for certain positions are required to undergo a post-offer physical examination that evaluates their fitness and ability to perform the essential functions of the positions for which they are being considered. All conditional offers of employment extended to candidates who are asked to undergo a physical examination are contingent on satisfactory completion of this requirement within the scheduled period.
- (4) In certain situations, the city can require currently employed workers to undergo a physical examination that evaluates their fitness and ability to perform the essential functions of their position.

### *Employee Bonding*

All applicants seeking city employment involving the handling of city funds or access to city financial accounts will be bondable and may be subject to a post-offer credit check. All employees involved in the handling of city funds or financial accounts will be bonded at the expense of the city.

### *New Employee Orientation*

- (1) An orientation will be made available to all new employees as soon as possible after their first day of employment.
- (2) The orientation will consist of the following elements:
  - a. Explanation of the city's purpose and goals;
  - b. Overview of the city's history, structure and operations;
  - c. Overview of the city's management policies and procedures; and
  - d. Other elements deemed appropriate.
- (3) A copy of the employee Handbook will be made available to all employees at each workstation. A signed Handbook Acknowledgement (**HR Form One**) of the original employee Handbook and any revisions thereof will be required of all employees subject to these policies. The signed statement will be maintained in the employee's personnel file and retained pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.
- (4) New hires may be introduced to all city department directors during their first week of orientation, as well as to the city commission.
- (5) All new hires will be given a benefits package if they qualify. The city clerk, department director, or supervisor will cover with the employee the benefits package and give the employee a due date when the package must be turned in to qualify for the benefits package. Failure to submit the package on the specified date may render the employee ineligible for some benefits.

- (6) The new employee's schedule and job description will be discussed. The city clerk, department director, or supervisor will use the Job Description Review and Acknowledgment (HR Form Two) to ensure the employee understands expectations and is able to meet the physical requirements of the job. The Job Description Review and Acknowledgment (HR Form Two) and the job description will be signed and placed in their personnel file, and a copy will be given to the employee.
- (7) The city clerk, department director, or supervisor will ensure that all required state and federal forms are completed and placed in their personnel file prior to the employee starting any physical work. All required information will then be filed, as required, with the federal, state, and local governments.

#### ***Introductory Period for Police***

- (1) Police officers will serve an introductory period of 12 months. If an officer is required to complete basic training to receive certification, the introductory period will begin after successful completion of basic training.
- (2) While serving under the initial introductory period officers may be dismissed at any time without the right of appeal, unless otherwise provided by law.
- (3) Completion of the introductory period in no way alters the at-will status of the employee.

#### ***Job Descriptions***

- (1) The city considers the job description prepared and maintained for every position as one of the most important documents to ensure effective hiring practices and to provide equal employment opportunity to all qualified individuals. The following procedures are designed to ensure the accuracy, completeness, timeliness, and fairness of the job descriptions:
  - a. Annually the city clerk, with the assistance of the employees and supervisors, may review the city's job descriptions to ensure that they are accurate, complete, and up to date.
  - b. Whenever possible, the supervisor should seek employee input in reviewing the description's accuracy and completeness.
  - c. The job descriptions should contain information that accurately reflects each position's essential functions, duties, responsibilities, purpose, working conditions, and reporting relationships as well as the knowledge, skills, and abilities required of employees.
- (2) Each time a job description is updated, the city clerk, department director or supervisor will use the Job Description Review and Acknowledgment (HR Form Two) to ensure the employee understands the job's expectations and is able to meet the physical requirements of the job. The Job Description Review and Acknowledgment (HR Form Two) and the job description will be signed and placed in the employee's personnel file, and a copy will be given to the employee.

#### ***Continuous Feedback on Employee Performance***

- (1) Employee performance will be evaluated by supervisors on a continuous basis.
- (2) Each January, supervisors will meet with employees individually to set goals for the year.
- (3) Supervisors will coach employees by recognizing positive performance and providing constructive feedback for improvement. Supervisors will also regularly discuss employee progress toward their annual goal(s).

- (4) Supervisors will promptly provide appropriate feedback following the employee's performance. Supervisors will then document these discussions on the Continuous Feedback (HR Form Sixteen). The form will remain in the employee's personnel file.
- (5) For specific policies regarding evaluations for sworn police officers, refer to the Police Policy and Procedure Manual.

### ***Personnel Records***

- (1) A personnel file will be maintained for each city employee by the city clerk. All changes in the status of employees will be recorded in these files, which will be retained and maintained in accordance with applicable state and federal laws.
- (2) The personnel file shall include:
  - a. Employee's name, permanent address, and phone number;
  - b. Position title;
  - c. Completed application form;
  - d. Hiring date;
  - e. Departmental assignment;
  - f. Salary;
  - g. Employee forms for taxes;
  - h. Retirement application;
  - i. Disciplinary actions;
  - j. Awards received;
  - k. Training records;
  - l. Performance reviews/ Continuous Feedback Forms;
  - m. All changes in status as a city employee; and
  - n. Whatever additional information these ordinances, other governing laws, or the city may require.
- (3) Information regarding the medical condition or history of an employee, including drug test results, will be collected and maintained on separate forms and in separate confidential medical files subject to disclosure only as permitted by law.
- (4) The I-9 Forms shall also be kept in a separate file in alphabetical order.

### ***Change in Personal Information***

- (1) It is the responsibility of each employee to promptly notify the city treasurer of any changes in personnel data by completing the Change in Personal Information (HR Form Fourteen). Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and similar status reports should be accurate and current at all times.
- (2) For necessary changes to be made without affecting qualifications for time-sensitive benefits such as health insurance, changes of marital status and dependents must be made within 30 days of the qualifying event.

### *Access to Personnel Files*

- (1) The treasurer and/or city clerk maintains a personnel file on each employee. The personnel file includes information like the employee's job application, resume, documentation of performance appraisals and salary increases, and other employment records.
- (2) Personnel files are the property of the city and subject to the Open Records Act. Access to an employee personnel file is strictly controlled and granted only to authorized individuals who have a legitimate reason to review information in a file, or as authorized under the Open Records Act. Employees will be notified of any request to view their personnel file.
- (3) Access to the file is by appointment with the city clerk with reasonable advance notice. The city clerk shall maintain a log of all those requesting personnel file access. Employees may review their own personnel file in the presence of the city clerk. Requests by an employee for any documents in their personnel file will require an open records request for documentation purposes.

### *Job References*

- (1) All requests for job references and inquiries regarding an individual's employment with the city will be forwarded to the city clerk for an appropriate response. The city clerk will consult with the mayor as personnel officer and may permit the employee receiving the request to respond, but the mayor as personnel officer will review any response before it is finalized. This section will not prohibit an employee from being listed as a reference for an individual.
- (2) The city's policy on job references is to provide dates of employment with the city. The law may also require disclosure of incidents of workplace violence involving the employee to a potential employer.

### *Record Retention*

The city will maintain all city records pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule. A copy of the email retention requirements can be found in Appendix \_\_\_ of this Handbook.

### *Disciplinary Practices/Procedures*

- (1) The city seeks to encourage employees to change problem behavior rather than focusing on punitive measures as a solution. In some instances, these efforts may fail or be an unsuitable response to an offense. In these instances, city supervisors may use the following disciplinary procedures, depending on the severity or frequency of the offense or problem behavior. Supervisors may use any of these disciplinary methods at any time. This list does not require a progressive disciplinary methodology to be used by supervisors:
  - a. Verbal warning, reprimand/coaching, or counseling by a department director or supervisor.
  - b. Written reprimand/counseling by a department director or supervisor.
  - c. Final warning
  - d. Suspension with, or without, pay.
  - e. Demotion and/or reduction in pay.
  - f. Termination of employment.
- (2) The department director or supervisor shall notify the city clerk to initiate use of the disciplinary procedures in (d), (e) or (f) in section (1) of this policy. The city clerk shall be responsible for

informing and involving the city commission and legal staff when this occurs and the final determination on imposing these disciplinary procedures must be made by the commission as a body.

- (3) Department directors and supervisors using the disciplinary procedures outlined in section (1)(a), (b), and (c) of this policy shall:
  - a. Document any disciplinary session or conference conducted for the purposes of correcting behaviors that are in violation of the policies contained in this Handbook or are conducted with the intent to correct reoccurring issues related to employee performance on the Disciplinary Form (HR Form Fifteen); and
  - b. Provide a copy of any written documentation related to the use of disciplinary procedures to the city clerk for placement in the employee's personnel file.
- (4) For police officers, any general personnel matter will be handled as stated above; however, any external complaint filed against a police officer or any violation of law enforcement procedures, will require the city to follow the process outlined in KRS 15.520, once the officer has completed the introductory period.

#### ***Demotion***

- (1) An employee may be demoted upon recommendation of a department director or supervisor, on the Disciplinary Form (HR Form Fifteen), only with the approval of the city commission.
- (2) The provisions of KRS 15.520 shall regulate demotions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures and the officer has completed the introductory period.
- (3) All pertinent documentation of demotions, including the Disciplinary Form, shall be entered into the employee's personnel file.

#### ***Suspension***

- (1) The department director or supervisor may:
  - a. Suspend the employee with pay until the commission reviews the violation, provided that the commission has delegated this authority to the department director or supervisor by an executive order in accordance with KRS 83A; and/or
  - b. Request in writing on the Disciplinary Form (HR Form Fifteen) that the commission suspend the employee with, or without pay. The request shall include the reason(s) for the suspension, along with details of previous disciplinary action regarding the employee.
- (2) The city commission may suspend an employee with, or without, pay for any period up to and including four calendar weeks, depending upon the severity of the offense; however, a maximum time limit shall not apply when an employee is suspended with, or without, pay due to an investigation of an alleged offense.
- (3) The suspended employee shall be notified of the suspension in writing. The notice shall include the reason(s) for, and duration of, the suspension (if known).
- (4) Employees suspended without pay for a period of one calendar month or more shall forfeit fringe benefits, including accrual of sick and vacation leave, as well as the city's contribution to any insurance benefits during the suspension.
- (5) If, after an investigation, the city commission finds that the suspension was not warranted, the employee shall be reinstated to their position with back pay and benefits.

- (6) The provisions of KRS 15.520 shall regulate suspensions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures.
- (7) All pertinent documentation of said suspension shall be entered into the employee's personnel file.

#### *Voluntary and Involuntary Termination of Employment*

- (1) The city commission has the authority to appoint, and remove, all city employees, except as otherwise provided by statute, ordinance, or contract. Statutes that provide otherwise regarding the termination of employment include:
  - a. For police officers, KRS 15.520 applies to police officers that have completed the introductory period, and only to any external citizen complaint or a violation of law enforcement procedures, and requires a hearing conducted by the city in the manner prescribed by KRS 15.520.
  - b. For non-elected officers, KRS 83A.080 requires a written reason be provided to the non-elected officer upon termination.
- (2) Employees also have the right to terminate their employment at any time and for any reason. The city asks that they provide a written notice at least two weeks prior to their intent to leave in order to assist the city in the smooth transition of their job duties.
- (3) Employees cannot use accrued leave time (i.e., vacation, sick, personal) to extend the termination date. The employee's last day actually worked is the date of termination.
- (4) In the event of the termination of their employment for any reason, they must return all property of the city, including uniforms, keys, credit cards, mobile phones, computer software and hardware, proprietary and confidential materials, reports, and any other city property that may be in their possession. This property must be returned prior to the last day of employment. All pertinent documentation of said termination shall be entered into the employee's personnel file.

#### *Layoffs (Reduction in Force)*

- (1) The city commission may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the city.
- (2) Consideration will be given to both the seniority and merit of persons being considered for layoff.
- (3) Temporary employees, seasonal employees, and employees on an introductory period will be laid off before full-time employees within class(es) affected by the layoff.
- (4) The city commission will notify the employee(s) of the layoff in writing, as soon as possible, prior to the layoff. The notice will explain the reason(s) for and duration of the layoff (if known). A copy of the layoff notice will be placed in the employee's personnel folder.
- (5) An employee who has given satisfactory service and is laid off may be eligible for reemployment in other positions if they meet the qualifications for the position and if the position is vacant.



### Section 3 – General Employment Policies and Rules

#### *Open Door Policy – Complaint Procedure*

- (1) At the City of Middletown, we encourage all employees/volunteers to meet with their immediate supervisor to discuss any employment issues or concerns that they may have. If the complaint is against a supervisor, or if the employee/volunteer feels more comfortable, they may discuss the issue with another director, supervisor, or member of the city commission.
- (2) The city is committed to maintaining this Open Door Policy, where honest discussion of employee/volunteer concerns can take place in a safe, and supportive, environment.
- (3) Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that the employee believes is detrimental to them or to the city, they should bring your concern to the attention of a director, supervisor, or member of the city commission.

#### *Sexual and Nonsexual Harassment*

- (1) Sexual and nonsexual harassment of any kind is absolutely prohibited and will not be tolerated. Sexual and nonsexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, and illegal.
- (2) Sexual harassment on the job is employment discrimination within the meaning of Title VII of the federal Civil Rights Act of 1964 and KRS Chapter 344. In general, sexual harassment means any unwelcome or offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment can come from a supervisor, fellow employee, or a person other than an employee who has contact with the city employees. Sexual harassment is unacceptable and is prohibited at work and in work-related settings, such as business trips, business-related meetings, conferences, and employee-related social events. Behavior that constitutes sexual harassment includes, but is not limited to:
  - a. Deliberate, repeated, or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another employee.
  - b. Approval, recommendation, or a refusal to take any personnel action with respect to an employee or applicant because of:
    1. The employee's or applicant's rejection of sexual advances, demands, favors, or sexual activity; or
    2. The employee's or applicant's reporting of a sexual advance or demand for sexual activity.
  - c. Explicit or implicit promises of preferential treatment regarding an individual's employment status in return for sexual favors or sexual activity.
  - d. Exercise, or attempted exercise, of the power or authority of one's position to control, influence, or affect the career, salary, job, or other employment conditions of an employee or applicant in exchange for sexual favors.
  - e. Repeated sexual jokes, flirtations, advances, or propositions.
  - f. Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
  - g. Leering; whistling; touching; pinching; assault; coerced sexual acts; or suggestive, insulting, or obscene comments or gestures.



- (7) Nothing in this policy should be construed as eliminating any employee's rights under Title VII of the Civil Rights Act of 1964, as amended, or under KRS Chapter 344, or as conferring enforceable legal rights beyond those existing under applicable law.

### *Workplace Violence*

- (1) The safety and security of all employees is of primary importance to the city. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals, by anyone on city property or off city property, while performing job duties related to the city will not be tolerated. These types of actions will lead to referral to appropriate law enforcement agencies for arrest and prosecution. City employees who exhibit this type of behavior will be disciplined or discharged. The city may take any necessary legal action to protect its employees and will make every effort to assist any employee experiencing threats of violence.
- (2) Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises shall be removed from the premises as quickly as safety permits and shall remain off city premises pending the outcome of an investigation. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts while in performance of their employment duties shall be immediately suspended, pending the outcome of an investigation of the incident. Following an investigation, the city will initiate an immediate and appropriate response. This response may include but is not limited to suspension and/or termination of any business relationship; reassignment of job duties; suspension or termination of employment; and/or criminal prosecution of the person or persons involved.
- (3) All employees are responsible for notifying city management personnel of any threats that they witness, or receive, or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior witnessed, that they regard as potentially threatening or violent or which could endanger the health or safety of an employee, when the behavior has been carried out on a city-controlled site or is connected to city employment; or city business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
- (4) Employees are encouraged to notify either their supervisor or the city clerk if an Emergency Protection Order (EPO) or Domestic Violence Order (DVO) has been issued for their protection.
- (5) The city will make every effort to assist an employee experiencing threats of violence. Assistance may include:
  - a. Confidential means for coming forward for help;
  - b. Resource and referral information (e.g., Employee Assistance Program);
  - c. Leave of absence consideration; and
  - d. Special safety considerations at the workplace.
- (6) The city understands the sensitivity of the information requested and will respect the privacy of the reporting employee to the extent allowable by law. The city will endeavor to maintain the anonymity of a reporting party to the extent feasible for cooperation with appropriate law enforcement officials.
- (7) Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment.
- (8) An employee carrying a deadly weapon while performing work for, or while on duty for, the City of Middletown does so as a voluntary act and not at the request or direction of the city.

- (9) Other than sworn law enforcement officers, no job descriptions or job duties in the City of Middletown require an employee to possess a deadly weapon.
- (10) An employee that chooses to carry a deadly weapon has the responsibility to know the law as to where they can, or cannot, legally carry their deadly weapon. Some locations, including schools, prohibit the carrying of deadly weapons by persons other than sworn law enforcement. Failure to abide by these lawful restrictions in these locations, even while performing work for, or while on duty for, the City of Middletown, may result in criminal and/or civil personal liability.
- (11) An employee that uses a deadly weapon may incur personal liability and the City of Middletown may, or may not, indemnify the employee for such use.

### *Workplace Safety*

- (1) The city prioritizes a safe working environment for its employees and the public. For the employee's protection, job-related injuries, accidents, or illnesses must be immediately reported in accordance with the city safety and accident policy.
- (2) Each department will consider the need for adopting safety practices, policies, or procedures warranted by the hazards that department employees encounter. Department directors and supervisors are encouraged to involve employees in this process.
- (3) A copy of such practices, policies, or procedures will be delivered and explained in detail. Each department employee shall then sign a receipt, which will be placed in the individual employee's personnel file, stating that they have read and understand these practices, policies, or procedures. Department directors and supervisors shall also explain to their employees that a violation of these safety practices, policies, or procedures could lead to disciplinary action, up to and including, termination of employment.
- (4) Every employee must be safety-conscious and responsible for helping the city achieve the goal of providing a safe workplace.
- (5) Employees shall immediately report any unsafe or hazardous condition to their department director, supervisor, or any supervisor that they feel comfortable reporting.
- (6) Supervisors shall immediately report any unsafe or hazardous condition that has been reported to them or that the supervisor is aware of to the city commission.
- (7) Any employee or supervisor who does not report unsafe or hazardous conditions is subject to disciplinary action.
- (8) Employees are expected to use common sense and good judgment in their work habits and to follow safe work practices. Department directors and supervisors shall ensure that safe work practices are utilized. Examples of safe work practices are as follows:
  - a. Using the proper safety equipment when performing a work assignment.
  - b. Not operating equipment or machinery while using prescribed medication without a doctor's written approval.
  - c. Under no circumstances should an employee operate any type of machinery or equipment while under the influence of drugs or alcohol.
  - d. Operating only equipment or machinery for which training, or orientation, has been received.
  - e. Warning coworkers of unsafe conditions or practices.
  - f. Following all safety and operating rules posted on equipment and machinery.

- g. Refraining from horseplay at all times.
  - h. Wearing safety belts when operating city-owned vehicles or private vehicles when on city business.
  - i. All employees are responsible for maintaining current knowledge of periodic rule/regulation changes made by the issuing state and federal safety agencies following OSHA rules and guidelines.
- (9) Periodic training will be arranged when appropriate in the judgment of the department director. Employees will be required to participate in all required safety-training programs offered by the city.

#### ***Reporting Work-Related Accidents***

- (1) Employees are required to immediately report any work-related accidents, illnesses, or injuries. The proper reporting of such matters is critical to ensure that an employee receives all benefits to which they are entitled under the Kentucky Workers' Compensation Act.
- (2) For the employee's protection, job-related injuries, accidents, or illnesses must be reported the day that they occur, unless extenuating circumstances prevent the employee from reporting within that time frame.
- (3) The employee must call the "Company Nurse" on the Injury Hotline at **855-339-1889**.
- (4) The department director or supervisor, as well as the city clerk, shall be notified of all accidents involving city employees and/or city equipment as soon as possible, but in no event later than the next workday.
- (5) Accidents involving either city-owned vehicles or personal vehicles being operated for city business shall be reported to law enforcement for investigation and employees may be required to submit to drug and alcohol testing pursuant to the Drug- and Alcohol-Free Workplace Policy.
- (6) The city places great importance in this policy. All employees are obliged to comply. Any employee that is discovered to have been aware of a serious accident and failed to report it will face appropriate disciplinary consequences.

#### ***Protection Against Retaliation for City Employees***

- (1) The city strictly prohibits retaliation, or discrimination, against any employee who reports a violation of the policies contained in this Handbook, or a violation of any applicable federal, state, or local law or regulation to city supervisory staff, the Board of Ethics, law enforcement authorities, or other appropriate officials.
  - a. No city employee shall use, or threaten to use, their supervisory authority, or influence, to discourage, restrain, suppress, dissuade, deter, prevent, interfere with, or coerce an employee from reporting any violation of the policies contained in this Handbook to their supervisor or any other member of the city's supervisory staff.
  - b. No city employee shall retaliate, or discriminate, against an employee because they support, aid, or otherwise substantiate another employee who reports a violation of the policies contained in this Handbook to the Board of Ethics.
  - c. No city employee shall retaliate, or discriminate, against another employee because they report a violation of the policies contained in this Handbook to the Board of Ethics after informing members of city supervisory staff without satisfactory resolution.

- d. The city strictly prohibits retaliation, or discrimination, against any employee who reports a violation of any applicable federal, state, or local law or regulation to city supervisory staff, the Board of Ethics, law enforcement authorities, or other appropriate officials.
  - e. The provisions of this policy in no way alter the at-will employment status of city employees. This policy does not create any contractual, or other, rights for employees, and the city may alter, amend, or remove any policy contained in this Handbook at any time.
- (2) Any employee who receives an official request from an outside agency for information related to the city shall promptly inform their immediate supervisor of the request. Any employee who receives a request from the media for information related to the city shall forward the request to the city clerk and shall otherwise follow the Media Communications Policy in Section 3 of this Handbook.
  - (3) Any city employee who makes a false report of a violation, or discloses information related to a report of a violation of city policies or the law, with reckless disregard for the truth shall be subject to disciplinary action, including the possibility of immediate dismissal.

### ***Drug- and Alcohol-Free Workplace***

- (1) The city's mission is to ensure that all public service is delivered safely, efficiently, and effectively. This mission is accomplished by establishing a drug- and alcohol-free work environment and ensuring that the workplace remains free from the effects of drugs and alcohol thereby promoting the health and safety of employees and the general public. In keeping with this mission, the city declares that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, or misuse of alcohol is prohibited for all employees.
- (2) This policy is intended to apply whenever anyone is representing or conducting business for the city. Accordingly, this policy applies during all working hours, while on call, or paid standby, and while performing work on behalf of the city while on or off city property. The policy applies to all city employees with special provisions designated to those employees identified as having responsibilities requiring a heightened safety-awareness level (HSAL). Those "safety-sensitive" positions identified as requiring a heightened safety-awareness level include but may not be limited to:
  - a. Police officers
- (3) Definitions of terms used throughout this policy:
  - a. *Accident* means an occurrence associated with the operation of a vehicle or equipment, if, as a result, the employer could reasonably believe that employee drug or alcohol use could have contributed to an incident.
  - b. *Adulterated specimen* is a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but, is at a concentration so high that it is not consistent with human urine.
  - c. *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation, or medication.
  - d. *Alcohol concentration* is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device or in blood alcohol content (BAC) when required for post-accident testing.
  - e. *Canceled test* is a drug test that has been declared invalid by a medical review officer. A canceled test is neither positive nor negative.

- f. *Consortium* means an entity which may involve varied pools of employers and their employees, established to provide cost-effective services to employees to help the employers comply with the drug-free workplace program requirements.
- g. *Designated Employer Representative (DER)* is an employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. For purposes of this policy, the department director of each department within the city are considered the DERs.
- h. *Dilute specimen* is a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- i. *Disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated. This does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors, or windshield wipers that makes them inoperative.
- j. *Employee* is defined in KRS 342.640 as every person in the service of the city, under any contract of hire, express or implied, and every official or officer of those entities, whether elected or appointed, while performing their official duties; every person who is a member of a volunteer ambulance service, fire, or police department; and every person who is a regularly enrolled volunteer member or trainee of an emergency management agency as established under KRS Chapters 39A to 39E.
- k. *Employee Assistance Program (EAP)* means an established program providing:
  1. Professional assessment of employee personal concerns;
  2. Confidential and timely services to identify employee alcohol or drug abuse;
  3. Referral of employees for appropriate diagnosis, treatment, and assistance regarding employee alcohol or substance abuse; and
  4. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.
- l. *Evidentiary Breath-Testing Device (EBT)* is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA-conforming products list.
- m. *Heightened Safety-Awareness Level (HSAL) (safety-sensitive) positions* are those positions involving special, dangerous, and skilled activities and those that would involve exceptional duty to community citizens in the area of public safety.
- n. *Medical Review Officer (MRO)* means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the 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 their medical history, and any other relevant biomedical information.
- o. *Negative dilute* is a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

- p. *Negative test result* for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels. An alcohol concentration of less than 0.02 BAC is a negative test result.
- q. *Non-negative test result* is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.
- r. *Performing a safety-sensitive function* includes any period in which an employee is actually performing, ready to perform, or immediately available to perform such functions.
- s. *Positive test result* for a drug test means a verified presence of the identified drug, or its metabolite, at or above the minimum levels. In addition, the claimed use of CBD product shall not be considered a medical excuse for a positive marijuana test. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.
- t. *Prohibited drug* means cannabinoids/THC, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds. In addition, the city tests for benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, synthetic narcotics, illicit substances, and volatile substances as defined by KRS 217.900 and KRS 218A.010 as amended.
- u. *Rehabilitation program* means a service provider that provides confidential, timely, and expert identification, assessment, treatment, and resolution of employee drug or alcohol abuse and may include inpatient or outpatient programs, as well as the EAP.
- v. *Safety-sensitive functions* include:
  - 1. The essential functions of actions performed by employees are considered to establish a heightened safety-awareness level (HSAL) positions.
- w. *Substance* means drugs or alcohol.
- x. *Substance Abuse Professional (SAP)* means: a licensed physician (medical doctor or doctor of osteopathy); or 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 or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.
- y. *Substituted specimen* means a specimen, with creatinine and specific gravity value, that is so diminished that it is not consistent with normal human urine.
- z. *Test refusal* is when an employee does any of the following:
  - 1. Fails to appear for any drug or alcohol test (except a pre-employment test) within a reasonable time, as determined by the employer after being directed to do so by the employer.
  - 2. Fails to remain at the testing site prior to the commencement of the test and until the testing process is complete provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
  - 3. Fails to provide a urine, saliva/ breath, or blood specimen for any drug or alcohol test, required by regulations or this policy.



4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's provision of a specimen.
  5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
  6. Fails or declines to take an additional drug or alcohol test the employer or collector has directed the employee to take.
  7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test.
  8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, and/or fails to wash hands after being directed to do so by the collector).
- aa. *Verified negative test* means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).
  - bb. *Verified positive test* means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels.
  - cc. *Validity testing* is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

(4) Prohibited substances addressed by this policy include the following:

- a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988. Any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR Parts 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to marijuana/THC (this includes any CBD product containing THC at or above the threshold), amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs, such as oxycodone, oxymorphone, hydrocodone, and hydromorphone.
- b. The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, any HSAL employee taking any legal substance which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected must report this information to a supervisor, and the employee is required to provide a written release from their doctor or pharmacist indicating that the employee can perform their safety-sensitive functions.
- c. The use of beverages containing alcohol (including any mouthwash, medication, food, and/or candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

- (5) Types of prohibited conduct include:
- a. All employees are prohibited from reporting for duty, or remaining on duty, any time there is a quantifiable presence of a prohibited drug in the body above the minimum threshold.
  - b. No employee shall consume alcohol while at work or while on call. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The employee will subsequently be relieved of their on-call responsibilities and be subject to discipline.
  - c. The city shall not permit any employee to perform any work-related activity, especially safety-sensitive functions, if it has actual knowledge that the employee is using alcohol.
  - d. No employee shall report to work, or remain on duty, while having an alcohol concentration of 0.02 or greater, regardless of when the alcohol was consumed.
  - e. No employee shall consume alcohol for eight hours following involvement in an accident or until they submit to the post-accident drug/alcohol test, whichever occurs first.
  - f. No employee shall consume alcohol within four hours prior to the performance of any job functions.
  - g. The city, under its own authority, also prohibits the consumption of alcohol at all times that the employee is on duty, or anytime the employee is in uniform.
  - h. Consistent with the Drug-Free Workplace Act of 1988, all employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace while in uniform or while on city business.
- (6) Consistent with the Drug-Free Workplace Act of 1998, all employees are required to notify the city management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in termination.
- (7) Testing requirements for this policy include:
- a. Analytical urine drug testing and breath testing for alcohol will be conducted. All employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in sections (13), (14), (15) and (16) of this policy. All employees who have tested positive for drugs or alcohol on a random test, reasonable suspicion test, or post-accident test will be tested prior to returning to duty, after completion of the substance abuse professional's recommended treatment program, and subsequent release to duty as set out in sections (17) and (18). Follow-up testing will also be conducted following return to duty for a period of one to five years, with the duration and frequency of the follow-up testing, above the minimum requirements, will be at the discretion of the SAP.
  - b. All employees will be subject to blood draw for post-accident drug and alcohol testing as a condition of ongoing employment with the city. Any employee who refuses to comply with a request for testing shall be removed from duty and terminated as set out in paragraph (19) of this policy. Any employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution, will be required to undergo an observed collection. Verification of the above-listed actions will be considered a test refusal resulting in the employee's removal from duty and being terminated as defined in section (19) of this policy. Refer to section (6)(dd) for behavior that constitutes a refusal to test.

- c. A drug or alcohol test can be performed any time an employee is on duty.
- (8) Testing for drugs and alcohol shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA). The procedures will be performed in a private and confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- (9) Pre-employment testing shall be done as follows:
- a. All applicants shall undergo urine drug testing within 48 hours after a conditional offer of employment is made.
    - 1. An applicant shall not be hired into a position unless the applicant takes a drug test with verified negative results.
    - 2. If an applicant fails a pre-employment drug test, tampers with or attempts to tamper with a urine specimen in any manner, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
    - 3. When an employee being placed, transferred, or promoted submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with section (19) herein.
    - 4. If a pre-employment/pre-transfer test is canceled, the city will require the applicant to take and pass another pre-employment drug test.
- (10) Reasonable suspicion testing shall be conducted as follows:
- a. All employees and volunteers will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion drug test can be performed any time the employee or volunteer is on duty.
  - b. The designated employer representative (DER) or their designee shall be notified of any indication of reasonable suspicion. Both the observing supervisor and the DER or their representative (if available) will review the policies and procedures herein, and if necessary, make arrangements with a testing facility of the city's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If the DER or their representative is not available, the observing supervisor shall obtain the assistance of another city supervisor or other credible and reliable source. They shall complete the Reasonable Suspicion Observation Form and forward it to the DER. If after completing the form it is determined that there is, in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or their designee will notify the employee and accompany them to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the

physical safety of those present. The Reasonable Suspicion Observation Form shall be attached to the forms reporting the test results.

- c. When a reasonable suspicion test is ordered, the employee must submit to testing immediately. The observing supervisor and/or designee shall remain at the testing site with the employee being tested until testing is completed. Any employee who is tested for reasonable suspicion shall be placed on administrative leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the DER may order a reasonable suspicion test.
- d. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish their shift and shall immediately be placed on administrative leave pending disciplinary action as specified in sections (19) and (20) of this policy.

(11) Post-accident testing will be conducted as follows:

- a. Employees are subject to blood drug and alcohol testing when needed to evaluate the root cause of a workplace accident that harmed or could have harmed employees, or where the employee's performance likely contributed to the accident, and the employer has reasonable suspicion to believe that drugs or alcohol may have contributed, or as required under state or federal law. Testing is not limited to only the injured employee(s).
- b. Due to varying types of accident causes, not all accidents will require post-accident testing. Exceptions for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents or injuries:
  - 1. Injuries whose onset is cumulative or gradual such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.;
  - 2. Injuries where the employee can be completely discounted as the contributing factor (e.g., injuries caused by a third party or some other uncontrollable force or event, such as weather, insects, etc.); or
  - 3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury or accident, (i.e., was performing training as instructed).
- c. Post-accident investigations must take place within two hours following the accident.
- d. As soon as practicable following an accident, the supervisor investigating will notify the employee operating the vehicle or equipment, and all other employees whose performance could have contributed to the accident, of the need for the blood test. All employees whose conduct could have contributed to the accident will be subject to testing, not only the employee who reported an injury. The designated employee representative (DER), along with the supervisor, will make the determination using the best information available at the time of the decision (See Post-Accident Documentation Summary and Checklist.) **Under no circumstances will the employee be allowed to drive themselves to the testing facility.**
- e. Pursuant to KRS 342.610(4), all post-accident testing will be done by blood draw.
- f. The appropriate supervisor shall ensure that an employee required to be tested under this section is tested as soon as practicable, but no longer than eight hours following the accident for alcohol, and within 32 hours for drugs.

1. If a blood alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay.
  2. If the alcohol test is not conducted within eight hours, attempts to conduct the alcohol test must cease and the reasons for the failure to test documented.
  3. If the drug test is not conducted within 32 hours, attempts to conduct the drug test must cease and the reasons for the failure to test documented.
- g. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident, or until they undergo a post-accident blood alcohol test.
  - h. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
  - i. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
  - j. In the rare event that the city is unable to perform a drug and alcohol test (e.g., employee is unconscious, employee is detained by law enforcement agency), the city may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.
  - k. The city reserves the right to test all employees whose conduct may have contributed to the accident.
  - l. An employee involved in an accident while on an out-of-town assignment shall notify their supervisor as soon as possible, but no later than two hours after the accident occurred. The supervisor shall notify the DER to discuss possible drug/alcohol testing requirements.

(12) Random testing will be conducted as follows:

- a. All employees in HSAL positions will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
- b. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- c. Employees in HSAL positions will have random alcohol testing done at a rate of at least 10% annually and drug testing at a rate of at least 20% annually.
- d. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection regardless of whether the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
- e. Random tests can be conducted at any time during an employee's shift.

- f. Employees are required to immediately proceed to the collection site upon notification of their random selection.
- (13) Return-to-duty testing will be done as follows:
- a. All employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (negative being below 0.02 BAC), or both and be evaluated and released by the substance abuse professional (SAP) or Employee Assistance Program (EAP) before returning to work.
  - b. For an initial positive drug test, a return-to-duty drug test is required, and an alcohol test is allowed. For an initial positive alcohol test, a return-to-duty alcohol test is required, and a drug test is allowed.
  - c. Following the initial assessment, the SAP/EAP will recommend a course of rehabilitation unique to the individual. The SAP/EAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.
- (14) Employees will be required to undergo frequent, unannounced drug and alcohol follow-up testing upon return to duty. The follow-up testing will be performed for a period of one to five years after the successful completion of treatment, with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the involved SAP/EAP reflecting their assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate, and in addition to, the random testing, post-accident testing, reasonable suspicion testing, and return-to-duty testing.
- (15) Refusal to submit to a drug/alcohol test, as listed in section (6)(dd), shall be considered a positive test result and a direct act of insubordination, and shall result in termination.
- (16) Consequences of a positive alcohol or drug test include:
- a. As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the DER will contact the employee's supervisor to have the employee removed from the workplace.
  - b. The employee shall be referred to an SAP/EAP for an assessment. The SAP/EAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
  - c. A positive drug and/or alcohol test will also result in disciplinary action as specified herein.
  - d. For the first instance of a verified positive test from a sample submitted as the result of a random test, reasonable suspicion test, return-to-duty test, post-accident test, or follow-up drug/alcohol test (0.04 BAC or greater), disciplinary action against the employee shall include:
    - 1. Mandatory referral to an SAP/EAP for assessment, formulation of a treatment plan, and execution of a return-to-work agreement. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from employment.
    - 2. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP/EAP the employee is cooperating with their SAP/EAP-recommended treatment program; and the

employee has agreed to periodic unannounced follow-up testing as defined in section (18) of this policy.

3. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
  4. A periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from employment.
- e. The second instance of a verified positive drug or alcohol (0.04 BAC or greater) test result including a sample submitted under the random test, reasonable suspicion test, return-to-duty test, post-accident test, or follow-up drug/alcohol test provisions herein shall result in termination from employment.
  - f. A confirmed alcohol test result of 0.02 to 0.039 BAC shall result in the removal of the employee from duty for eight hours, or the remainder of the workday, whichever is longer. The employee will not be allowed to return to duty for their next shift until they submit to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of 0.02 to 0.039 two or more times within a six-month period, the employee will be removed from duty and referred to the SAP/EAP for assessment and treatment consistent with this policy.
  - g. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP/EAP-prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP/EAP has determined that the employee has successfully completed the required treatment program and releases them to return to duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the city's Paid and Unpaid Leave Policies.
- (17) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in their chain of command, the employee shall be referred to the SAP for an assessment. The city shall place the employee on administrative leave in accordance with the provisions set forth under section (20) of this policy. Testing in this circumstance would be performed under the direct authority of the DER. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under federal authority. However, self-referral does not exempt the employee from testing under federal authority as specified in sections (13) through (18) or the associated consequences as specified in sections (19) or (20) of this policy.
- (18) Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The city offers an Employee Assistance Program (EAP) provided for employees as part of their health care coverage. For information on the Employee Assistance Program contact your supervisor or the city clerk or go to [www.maxwelleap.com](http://www.maxwelleap.com), username "kic", and password "employee" or you may call (888) 550-5535.
- a. All employees of the city are strongly encouraged to voluntarily contact the EAP if they believe they, or an immediate family member, might have a problem with drug or alcohol abuse. An employee who feels that they have developed an addiction or dependence on alcohol or drugs may be entitled to other benefits in addition to the EAP herein described. The decision to seek such benefits or not is the sole responsibility of the employee. All information concerning the use of the medical insurance plan for this purpose will be treated as confidential medical information. Employees who seek treatment or counseling for substance abuse problems may be eligible for leave pursuant to the city's leave policies.

- b. If an employee has been identified by an SAP as needing assistance in resolving problems associated with alcohol or controlled substances, the employee will be subject to follow-up testing as prescribed elsewhere in this policy. The SAP shall be either a licensed physician, certified psychologist, social worker, employee assistance professional, or addiction counselor.
  - c. Employees who voluntarily report a substance abuse problem, prior to being required to take a controlled substance or alcohol test as defined in this policy, will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, they will be subject to disciplinary action up to, and including, termination of employment. Failure to seek such assistance, or to abide by the terms of the treatment plan, shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a Return-to-Work Agreement that will further define conditions of continued employment.
  - d. The city's EAP provides services to employees regardless of race, color, religion, national origin, disability, sex, or age, or any other state or federal-protected class.
- (19) The city is dedicated to assuring fair and equitable application of this Drug and Alcohol-Free Workplace Policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy towards subordinates, shall be subject to disciplinary action, up to and including termination.
- (20) Confidentiality of drug testing procedures and records are as follows:
- a. Drug/alcohol testing records shall be maintained by the city clerk, and except as provided below, or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
  - b. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol, including any drug or alcohol testing records. Employees have the right to gain access to any pertinent records, such as equipment calibration records and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
  - c. Records of a verified positive drug/alcohol test result shall be released to the department director and personnel manager on a need-to-know basis.
  - d. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
  - e. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by, or on behalf of, the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding. The information will only be released with the binding stipulation from the decision maker to make it available only to parties in the proceeding.
  - f. Records will be released to the National Transportation Safety Board during an accident investigation.
  - g. Records will be released, if requested, by a federal, state, or local safety agency with regulatory authority over the city or the employee.
- (21) Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the DER.



### ***Fraternization***

- (1) While the city encourages amicable relationships between employees, it recognizes that involvement in a romantic relationship may compromise, or create a perception that compromises, an employee's ability to perform their job. Any involvement of a romantic nature between employees within the city requires notification to a department director or the mayor.
- (2) Any concerns an employee has in a dating relationship with a co-worker may be brought to the attention of the city commission or any supervisor in which the employee feels comfortable. The supervisor and employee should follow the guidance in the Sexual and Nonsexual Harassment Policy and/or the Workplace Violence Policy within Section 3 of this handbook. In addition, employees may use the city provided Employee Assistance Program for any relationship issues.

### ***Children in the Workplace***

- (1) The presence of children in the workplace with the employee parent during the employee's workday is only allowed in certain circumstances and as approved by the employee's supervisor and the city commission. This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce property liability, and help maintain the company's professional work environment.
- (2) If bringing a child to work with the employee is unavoidable, the employee must contact their supervisor as soon as possible to discuss the situation and obtain permission to have the child accompany the employee while working. Factors the supervisors will consider are the age of the child; how long the child needs to be present; the work environment in the employee's area; and any possible disruption to the employee's and co-workers' work. Consideration will not be given to allowing a child with an illness to come to work with the employee.
- (3) A child brought to the workplace in unavoidable situations will be the responsibility of the employee and must be always accompanied and be under the direct supervision of the employee/parent.

### ***Media Communications***

- (1) The mayor serves as the chief media spokesperson for the city with the exception of the police department where the police chief will serve as the spokesperson. All media requests shall be directed to the mayor, who is responsible for determining the city staff person most appropriate to make a response. Under certain circumstances, staff members may be directed to respond to a media request when matters touch upon their special areas of expertise. Any employee directly contacted, or approached, by the media for comments on issues related to the city shall contact the mayor prior to making a response.
- (2) To guarantee quality and appropriate formatting, all city communications shall originate from the mayor. One to two weeks notice to generate releases is standard. The mayor will work with city staff and members on releases pertaining to "breaking news" as needed.
- (3) To guarantee consistent quality and branding, all city publications shall originate, or be approved, by the mayor. Ideally, at least a one-week notice should be given for the creation of a small publication or template. For large publications, a pre-design review of the project will occur between the requesting employee and the mayor.

### ***Hours of Operation and Work Schedules***

- (1) Normal office hours are Monday through Friday, 8:30 a.m. until 5:00 p.m. Office hours may be modified due to evening meetings and other similar functions, or when weather, or other circumstances, require.
- (2) The work schedule of the individual employee will be established by the employee's department director, or immediate supervisor, in a manner that is consistent with the needs of the city. The work schedule may be modified on a temporary basis when necessitated by workload or other

work-related factors. A department director or supervisor that establishes a permanent work schedule for an employee deviating significantly from normal department hours shall provide notification and details regarding the modified work schedule to the city clerk. The city clerk will then notify the mayor.

### ***Tardiness***

- (1) Employees are to report to work on time and be punctual for appointments and meetings. Furthermore, work is to be completed at the time it is due. Frequent tardiness can result in disciplinary action or termination.
- (2) All employees are expected to arrive at their designated workspace prior to the start of their work shift. An employee that arrives after the appointed time is considered tardy. Employees who are tardy two times or less within a 30-day period will be counseled by their department director or supervisor. Employees who are tardy more than two times within a 30-day period will be subject to the disciplinary policy.

### ***Meals and Rest Periods***

- (1) Unless other arrangements are made with the employee's department director or supervisor, all employees, other than police officers, are expected to take an unpaid lunch period of one hour each workday which shall occur no sooner than three hours after the employee begins their work shift and no later than five hours after the employee begins their work shift. However, an employee and their department director or supervisor may agree to make a reasonable alternative schedule for a meal period on a temporary basis and any such change should be noted in writing.
- (2) Sworn police officers and dispatchers shall remain on duty subject to call during meal breaks. All other employees generally are not on call during meal breaks unless directed otherwise by their supervisor.
- (3) Employees are encouraged to schedule personal breaks as workflow allows. The total time taken for personal breaks should not exceed 10 minutes during each four hours worked. No reduction in compensation shall be made for time spent on personal breaks taken consistent with this policy for either exempt, or nonexempt, employees.
- (4) For up to one year after a child's birth, any employee who is breastfeeding her child will be provided two reasonable break times (approximately 20 minutes) to express breast milk for her baby. This time will be paid but is not in addition to the breaks provided in paragraph (2). If an employee needs more than 20 minutes, that time will be allowed, but it will not be paid. The city will provide a room which is separate from the bathrooms, is shielded from view by the public and coworkers, and is cleaned and sanitized regularly. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting their supervisor.

### ***Inclement Weather and Emergency Closures***

- (1) Emergency closings will be authorized by the mayor. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the city clerk or other appointed person will notify supervisors. Employees will be notified by their supervisors.
- (2) If the city system remains closed for an entire day because of an emergency, all employees scheduled to work that day will be paid for the number of hours they were scheduled to work. Employees able to telecommute will be expected to work during regular working hours. If an emergency closing occurs during hours the city is open, employees will be paid for any remaining hours scheduled. However, emergency hours not actually worked will not be

included in overtime calculations. Further, if an employee is off on vacation or sick leave, they will not receive credit for the hours that the city was closed.

- (3) If the city opens late or closes early due to an emergency, scheduled staff who report to work will receive credit for their regularly scheduled hours for that day. However, emergency hours will not be included in overtime calculations.
- (4) When the city is open, but extreme weather conditions make it impossible for an employee to arrive at the regular time, or leaves work early, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time or they opt to leave work early, they must charge the day to vacation, or leave without pay, equal to their regular work schedule hours for that day. The department director or supervisor should be notified as soon as possible.
- (5) Certain essential services are required to be maintained during any closing. The employees involved in these essential services are excused from work only with the specific authorization of their supervisors, regardless of radio or other announcements. Department directors or supervisors should clarify beforehand who the essential employees are during emergencies, what their obligations are, and what procedures will be used to let them know whether they will be needed to work. Failure to report to work during emergencies by required essential services employees may be cause for disciplinary action.
- (6) The city clerk will notify the public and will post closing signs in the event the city opens late or closes early.

#### ***Standards of Performance and Conduct***

- (1) Every employee must remember that the city is a tax-supported entity and the citizens of the city paying those taxes should receive the best possible quality and highest standard of service possible. Public employees should act in a professional manner, use good judgment and courtesy at all times and should avoid any type of behavior that would even appear illegal or unethical. Employees should carry out their work efficiently, honestly, and with the intention of keeping good relationships with the public. Each employee is a representative of the city, both internally with coworkers and externally with citizens, contractors, business associates, affiliates, and others. As a representative of the city, each employee is expected to act professionally, honestly, ethically, courteously, and with integrity in all business transactions and interpersonal interactions while at work or in any performance of an activity on behalf of the city.
- (2) The city expects all employees to conduct themselves in a professional, mature, and lawful manner. Employees must comply with established rules, regulations, policies, procedures, and directives. Failure to do so will result in disciplinary action. To avoid misunderstandings about the types of conduct that are considered unacceptable, a non-exhaustive list of specific infractions is provided below, purely for informational purposes, as a general guide for employees:
  - a. Unexcused tardiness;
  - b. Unexcused and excessive absenteeism;
  - c. Failure to perform an assigned task, meet a deadline, or otherwise follow an instruction or directive;
  - d. Insubordination or willful refusal to follow instructions, rules, regulations, policies, or to accept assignments;
  - e. Misuse of leave time;
  - f. Intentional or unintentional violations of the policies and procedures in this Handbook;

- g. Inability to perform duties or requirements of the job because of the loss of necessary licenses or other requirements;
- h. Discourteous behavior toward the public or other employees;
- i. Theft or embezzlement of city property or assets;
- j. Use, possession, sale, or transfer of illegal drugs, or being under the influence of illegal drugs in any manner that may impair the employee's ability to perform assigned duties or that may adversely affect the city's business or reputation;
- k. Personal behavior, whether on or off-duty, which discredits the city and is likely to damage the public reputation of the city;
- l. Falsification of records;
- m. Invasion of another's privacy;
- n. Assault or fighting;
- o. Conviction of a serious criminal offense which jeopardizes or is injurious to the city's property and security, its public reputation, or the interests of other employees, or which is incompatible with the due and faithful discharge of duties and responsibilities;
- p. Sexual or nonsexual harassment; or
- q. Horseplay or pranks which threaten the safety and security of the workplace or are offensive to other employees.

#### *Dress Code and Hygiene*

- (1) As representatives of the city during work hours, it is important for employees to present a professional impression to citizens, vendors, coworkers, and others. Clothing should be neat, clean, in good taste, and should not constitute a safety hazard. Employees are expected to maintain the highest standards of personal cleanliness and appearance during work hours and when representing the city outside of normal work hours.
- (2) The minimum standard of dress for city office employees is "business casual," although there are occasions or situations, such as meetings, that require "business professional" attire. From time to time, these standards may be relaxed by management to allow employees to wear more casual clothing. Examples of such times include cleanup days, severely inclement weather, or when more casual clothing may be appropriate for the work to be done.
- (3) For all employees, professional appearance also means that the city expects you to maintain good hygiene and grooming while working. Facial hair is permitted if it is neat and well-trimmed. Rings through the nose, eyebrow, tongue, or body parts (other than the earlobe) visible to the public may not be worn while working. All tattoos shall not be offensive in nature. "Offensive" shall generally mean anything of a sexual nature or anything that impugns another's race, creed, religion, color, or sexual preference.
- (4) An employee may be granted an exception to this policy by their department director, supervisor, or the mayor for certain medical conditions or for a sincerely held religious belief or other grounds protected by federal, state or local laws. Reasonable accommodation will be granted unless it causes undue hardship on the city.
- (5) An employee wearing inappropriate attire will be required to leave work to change into appropriate attire. An employee will not be compensated for the time they are away from work to change into appropriate attire, and must use vacation time, personal time or comp time for the time spent away from work.

- (6) An employee with questions regarding this policy should direct their inquiries to the city clerk.

#### ***Outside Employment for Employees Other than Police Officers***

- (1) Outside employment is defined as any paid employment performed by an employee in addition to employment with the city.
- (2) Any employee desiring to perform outside employment shall first obtain written approval on the Outside Employment Request Form for Employees Other Than Police Officers (HR Form Seventeen), from the department director, subject to the approval of the city commission. Approval may be granted, provided that such employment does not:
  - a. Interfere with the performance of the employee's duties;
  - b. Involve a conflict of interest or conflict with the employee's duties;
  - c. Involve the performance of duties which the employee should perform as a part of employment with the city; or
  - d. Occur during the employee's regular or assigned working hours unless the employee is on vacation leave, compensatory leave, personal leave or leave without pay. Employees on any form of sick leave, which includes workers' compensation leave, may not work outside employment pursuant to section (4) below.
- (3) The employee shall make arrangements with the outside employer to be relieved of duties in the event the employee is called for emergency service by the city.
- (4) An employee who is approved for sick leave, including workers' compensation leave, or who is approved for limited duty, is prohibited from engaging in secondary employment. Employees who engage in other employment or are self-employed while on authorized leave of absence or light duty will be terminated unless written authorization has been granted prior to commencement of the leave of absence. The above limitations specifically do not apply to an employee's use of vacation leave, compensatory leave, personal leave or absences resulting from a temporary reduction in force.

#### ***Outside Employment for Police Officers***

Police officers should follow the department guidelines for secondary employment adopted as a part of the overall police department operating policies. Officers should contact the police chief for details on this practice.

#### ***Uniforms***

- (1) The annual budget process shall determine the uniform policy of the city.
- (2) All employees who are authorized to wear uniforms provided by the city shall wear the uniforms during all working hours. Uniforms provided by the city shall be worn only to and from work, and while at work and, unless there is an applicable exclusion, shall be considered taxable benefits and credited with additional income for the amount of the uniform expenses for tax purposes for each pay period.
- (3) If the city provides "everyday apparel" in lieu of uniforms (e.g., blue jeans, civilian clothing for sworn police personnel, etc.), the actual allowance or cost of apparel shall be considered taxable benefits and credited with additional income for the amount of the apparel expenses for tax purposes for each pay period.
- (4) The value of clothing provided by an employer to an employee must be included as taxable income of the employee unless there is an applicable income exclusion. Two possible income exclusions could apply when the employer provides clothing:

- a. De minimis benefit, which is a benefit so small that accounting for it would be unreasonable or administratively impracticable considering its value and frequency pursuant to IRS code section 132(a)(4).
  - b. Clothing not suitable for general wear.
- (5) Anyone obtaining personal protective equipment (PPE) through the city is required to wear the PPE whenever necessitated by work duties or conditions. PPE shall not be considered taxable benefits.
- (6) Police officers should also review the information in the Police Department Policies and Procedures.

***Use of City Property, Equipment, Time, and Personnel***

No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment or other personal or real property for the private use of any person, unless de minimus or unless:

- (A) The use is specifically authorized by a stated city policy; and/or
- (B) The use is available to the general public, and then only to the extent and upon the terms that the use is available to the general public.

***Use of Office and Mobile Telephones***

The office telephone system is provided and paid for by the city to facilitate the conduct of its business. Extensive use of the city telephone system or mobile phones for the personal business of employees interferes with the efficient and effective conduct of the city's business. Employees shall not use their cell phones for personal calls or texting during office hours. Excessive use of the office telephone system, or mobile phones, or personal mobile phones for personal calls, texting, or other personal messaging during work hours may result in disciplinary action.

***Mobile Telephones and Communications Devices***

In some instances, the use of a cell phone is essential to the ability of an employee to meet the demands of their job within the city. In those instances, the city may provide reimbursement to the employee for a portion of the cost of the use of their personal mobile phone. Decisions regarding which employees are eligible for reimbursement are made based on the employee's job functions made by the mayor and approved through the commission budget. Employees who have been approved for a reimbursement from the city are subject to the following requirements:

- (1) Currently, the reimbursement will be the employee's portion of the bill payable to the employee, not to exceed the actual amount paid by the employee for their cell phone service.
- (2) The reimbursement is made pursuant to an accountable plan for reimbursement of business expenses. Therefore, it will not be considered income and will not be subject to taxation. To qualify under the accountable plan, the employee is required to provide documentation to the city as outlined in (c), below.
- (3) Reimbursements will be made monthly. The eligible employee must provide a copy of the first page of their cell phone bill to the city reflecting the total amount paid in order to receive reimbursement.
- (4) Employees who receive reimbursement are expected to be available by phone, within a reasonable amount of time, whether during working hours or outside of working hours. Nonexempt employees will be paid for any time worked outside of the normal working hours when that time is not considered de minimus.
- (5) Employees receiving reimbursement are required to provide their cell phone number to their supervisor and the city clerk and maintain active service for the life of the reimbursement. Failure to do so may subject the employee to disciplinary action.

- (6) The employee is responsible for the purchase of their own cell phone and all cell phone service contracts are to be between the employee and the service provider.
- (7) All devices must be protected by a password. The user agrees to never disclose their password to anyone. The password should be a minimum of four characters. The device must also automatically lock after a period of inactivity.
- (8) Lost or stolen phones or other communication devices should be reported to the city clerk immediately.
- (9) Since mobile telephones may contain locally stored data, they may be subject to the Open Records Laws, and/or discovery in the event of litigation, and as such there is no expectation of privacy. Each user is responsible and accountable for the content and use of these tools. The employee must comply with Open Records Laws, including archiving of data. For more information on records retention requirements contact the city clerk.
- (10) The mayor and the employee's supervisor are responsible for an annual review of the need for a cell phone reimbursement, to determine if reimbursements should be discontinued.

### *Vehicle Use*

- (1) The operation of vehicles is necessary in conducting much of the city's business. This policy establishes requirements governing the operation of city-owned, leased, or rented vehicles and the operation of personal vehicles while conducting business on behalf of the city. Department directors are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department.
- (2) Employees operating the city-owned, leased, or rented vehicles, which include special-use vehicles, such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site, and employees who are performing employment functions on behalf of the city in a privately owned vehicle must meet and adhere to the following requirements:
  - a. The employee shall hold a valid driver's license.
  - b. Operators of city vehicles will have held a valid driver license for at least three years before being allowed to operate a city-owned vehicle.
  - c. The employee shall not operate a city vehicle, or use a privately-owned vehicle, in conducting business on behalf of the city while the employee's license is under revocation or suspension.
  - d. A valid driver's license must always be in the employee's possession while operating a city-owned vehicle. In the case of commercially-rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid, and in the driver's possession.
  - e. Any employee who may operate a vehicle while performing employment functions on behalf of the city may be subject to an annual Division of Motor Vehicle Records Check and must sign the Driver's License Background Check Release (HR Form Four). The city will use the Commonwealth of Kentucky's individual driving record and corresponding point system to monitor the risks associated with operating vehicles while in the city's employment.
    1. An accumulation of eight or more points in the previous 12-month period or an accumulation of 10 or more points in the previous 18-month period shall be cause for disciplinary action up to, and including, suspension of city driving privileges.
    2. The city clerk shall advise the employee's department director or supervisor and the city commission when a driving record meets this threshold.

3. Problem drivers should be identified and, if possible, should be enrolled in a defensive driving training course.
- f. Only city employees are authorized to operate city vehicles.
    1. Persons volunteering services to the city are considered employees of the city for purposes of this policy and may operate city vehicles when their duties require travel as long as such travel is under the approval or direction of the department director and necessary in the course of performing official city business.
    2. Employees of other public entities may operate city vehicles under the specific approval of the department director as long as such operation is essential in conducting city business. Department directors granting permission for non-city employees to operate city vehicles are responsible for ensuring that the driver is properly licensed, trained, and qualified to operate the vehicle.
  - g. Only persons being transported in connection with official city business shall be passengers in any city vehicle.
  - h. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any city vehicle may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action.
  - i. When cargo, materials, or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
  - j. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.
  - k. Alcoholic beverages shall not be transported or placed in any city vehicle.
  - l. An employee who operates a city vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.
  - m. Pre-operation inspection for passenger sedans, light-duty pick-up trucks, and all other vehicles.
    1. At least once per day, the operator of these vehicles is responsible for ensuring that all vehicle safety equipment including headlights, turn signals, brake lights, and horn are functioning properly.
    2. The operator is also responsible for ensuring that fluid levels including brake, transmission, engine oil, and coolant are properly maintained.
    3. Any defects which will affect the safe operation of the vehicle will be promptly reported to the driver's supervisor. No employee may operate a city-owned vehicle in an unsafe condition. Any vehicle damage, which is beyond normal wear and tear, must be documented and reported to the employee's supervisor.
  - n. A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer.
  - o. No vehicle shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake, and locking the doors, or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement.



- p. Vehicles responding to emergency situations, or those parked on job sites, shall be parked with due regard to safety and security considerations.
- q. City vehicles not taken home shall be secured in city parking lots during non-duty hours. The keys shall be removed, and the vehicle locked. When it is necessary to leave a vehicle at a job site overnight, the operator shall ensure the vehicle is parked and secured in an area which provides reasonable security.
- r. When using a trailer, dolly, or other equipment, the following shall apply:
  - 1. The driver shall ensure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.
  - 2. The driver shall ensure that the trailer, or other towed equipment, is supplied with proper lighting including brake lights, turn signals, and running lights.
  - 3. Any vehicle having a load which extends more than four feet beyond the rear shall have the end of the load marked with a red flag which shall be at least 12 inches square.
- s. Backing guidelines for large vehicle and construction equipment are as follows:
  - 1. Whenever possible, the driver will position the vehicle to avoid the necessity of backing.
  - 2. Park the vehicle so that the first move is forward when you leave. This means backing the vehicle into a parking space or pulling through a parking space.
  - 3. These methods do not apply to diagonal parking spaces.
  - 4. Before entering your vehicle, the driver shall perform a walk around to check clearances prior to entering the vehicle.
  - 5. The driver shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic.
  - 6. Never back a vehicle when windows or mirrors are covered with snow, ice, frost, or other substance that prevents you from visually clearing your path.
  - 7. Back slowly, even during emergency situations.
  - 8. Be familiar with your vehicle's blind spots to reduce the area that may not be visible in your side mirrors.
  - 9. When available, use a spotter to back all vehicles. Before and during backing movements, the driver and spotter should check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow a full stop.
  - 10. If a spotter is not available, cones shall be placed in the front and rear of the vehicle after parking and picked up prior to leaving to ensure a full walk around is completed.
  - 11. This policy applies to all vehicles, including those fitted with backup cameras. These cameras can be an effective tool for preventing backing accidents, but such equipment should be used in addition to the techniques outlined in this policy.
- t. The employee shall obey all city, county, state, and federal laws and regulations.

- u. The employee shall not operate a motor vehicle while under the influence of alcohol or while being under the influence of illegal or controlled substances.
  - v. When it is necessary for a city employee to use a rental vehicle for city business, the employee shall use a city-approved leasing agency. The city shall purchase optional comprehensive/collision damage coverage through the leasing agency at the time the vehicle is rented.
  - w. The employee and all occupants shall always wear safety belts/safety restraints and all occupants of city vehicles must properly wear seat belts/safety restraints any time the vehicle is in motion.
    - 1. The operator of construction, excavation, and other off-road equipment shall use the occupant restraint system any time the vehicle is in operation.
    - 2. Employees are prohibited from removing, deactivating, modifying, or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.
  - x. No employee shall operate a vehicle while normal vision is obstructed.
- (3) All employees operating a vehicle on city business may undergo annual defensive driver training.
- a. The Kentucky League of Cities (KLC) offers two defensive driving courses for your convenience. Each of these courses has four modules. Each module can easily be viewed in under 30 minutes.
  - b. Use one course per year for training purposes.
  - c. The defensive driving courses can be found on the KLC Insurance portal under the Risk and Safety tab.
- (4) The city will not provide coverage for liability or physical damage to an employee's privately-owned vehicle unless agreed to as a condition for a specific hire. Employees who use personally owned vehicles for city business should confirm that their personal auto insurance policy provides coverage for this use.
- a. Employees who use their personal vehicle while conducting city business shall maintain at least a minimum of liability coverage in an amount not less than \$100,000 per occurrence/\$300,000 annual aggregate, and property damage coverage in an amount not less than \$100,000 per occurrence.
  - b. Annual verification of minimum coverage will be requested.
- (5) Any employee who receives a citation or towing charge while operating a city vehicle shall notify the city clerk, in writing within 48 hours of receipt of the citation or towing charge.
- (6) An employee who operates a city motor vehicle is required to notify the city clerk, immediately, of any motor vehicle violation conviction entered against the employee that involves driving while under the influence, or which has resulted, or may result, in the suspension or revocation of the employee's motor vehicle license.
- (7) If the operation of a city vehicle is a condition of employment, and an employee is unable to operate a motor vehicle due to the suspension or revocation of the employee's license, the employee must immediately inform the city clerk of the suspension or revocation.

- a. Any DUI conviction, or refusal to submit to a lawful roadside sobriety test, shall result in disciplinary action up to and including suspension of city driving privileges.
- b. An employee whose driver's license has been suspended for any reason shall not be allowed to operate any over-the-road city vehicles.
- c. Employees who have obtained temporary driving permits or hardship licenses shall not be permitted to operate over-the-road city, or privately-owned vehicles, in the performance of official city duties.
- d. Temporary or permanent suspension of city driving privileges shall be considered loss of a job required prerequisite for employees whose position requires operation of an over-the-road vehicle.
- e. Additionally, the employee must, at their own expense, arrange for and provide transportation so the employee is able to continue to fulfill the employee's job requirements.

An employee who has been determined to be "at fault" in two or more accidents within a 24-month period while driving a city or privately-owned vehicle in the performance of official city business shall be subject to disciplinary action up to, and including, suspension of city driving privileges.

#### *Assigned City Vehicles*

- (1) When economically feasible and in the best interest of the city, employees may be assigned a city vehicle which they will keep and maintain for business and personal use during the time of assignment. A full-time employee with a position that requires business driving, who holds a valid driver's license and has a good driving record as determined by the city commission, as well as the department director, may be eligible for the assignment of a city vehicle under any of the following conditions:
  - a. The employee's position requires the employee to be subject to 24 hour on call and available to the city.
  - b. To prepare for a post-disaster response in order to plan an effective and efficient recovery.
  - c. The employee's position must be specified by the city commission as a position to which assignment of a city vehicle is considered part of the employee's compensation package.
  - d. Duty-vehicles designed, or equipped, for high-priority response, where response time will be enhanced by allowing the vehicle to remain in custody of individual employee. Employees assigned to duty-vehicles which are taken home must be available to respond upon request on a 24-hour basis any time the employee has custody of the vehicle.
- (2) An employee assigned a city vehicle on a permanent basis is subject to the following requirements:
  - a. Commuter Rule: Unless specifically exempted by federal regulations, take-home city vehicles shall be a taxable benefit. Employees who drive city-owned vehicles to and from work shall be credited with additional gross income for tax purposes in the amount of \$1.50 per day for each day the vehicle is driven to work and \$1.50 per day for each day the vehicle is driven from work. For example: an employee who drives a city-owned vehicle to and from work 10 times during the biweekly pay period shall be credited with an additional income of \$30 for tax purposes for the pay period. Personal use other than commuting is prohibited and grounds for discipline up to, and including, termination. Employees who drive qualified non-personal-use vehicles (For example: marked police vehicles) are exempt from the taxable benefit under the federal regulations; however,

personal use for travel outside of the officer's jurisdiction is prohibited and grounds for disciplinary action.

- b. Gas Expense: An employee shall submit receipts for refueling assigned vehicles in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.
  - c. Maintenance, Inspection and Repairs: The employee is responsible for ensuring that routine maintenance on the vehicle, as specified in the owner's manual, and as the city may specify in writing, is performed at the intervals specified in such documents. Scheduled maintenance should include at a minimum: oil change, check fluid levels, check tire condition, and check all lights and warning devices. All maintenance should be documented and each vehicle in the fleet should have a separate file to store all maintenance records. Service, other than routine maintenance, must be performed at the service center as directed by the city. Information on the service center can be obtained from the city clerk.
  - d. The city will arrange for license plates, registration certificates, and insurance cards. The city pays local property taxes. The employee should not receive a tax bill.
  - e. An assigned vehicle shall be turned in no later than the last day of employment. A terminated employee shall not continue use of the assigned vehicle under any circumstances.
- (3) In operating an assigned-city vehicle:
- a. The employee shall not permit, or give permission for, any other person to drive the city vehicle, other than as outlined in the Vehicle Use Policy in Section 5 of this Handbook.
  - b. The employee shall follow the Vehicle Use Policy as set forth in Section 5 of this Handbook.
  - c. The employee shall report accidents in accordance with the Vehicle Accident Reporting Policy in Section 5 of this Handbook.
  - d. City vehicles taken home overnight shall be locked and secured in the responsible employee's driveway or other designated parking space which is near the employee's residence.
- (4) Vehicles in the city's car fleet will be replaced at the city's discretion. In addition, the city may, at its discretion, revoke a vehicle assignment, at any time, or otherwise change the position, or work requirements of the employee.

### ***Distracted Driving***

- (1) Employees shall not use cellular telephones, or any other mobile electronic devices, while operating a motor vehicle to read or respond to emails and text messages, or accessing the internet, unless an exception under paragraph (3) applies. Employees are prohibited from wearing a headset or earphones over or in both ears. This policy is in effect while operating a city-owned vehicle or operating a privately-owned vehicle while conducting city business.
- (2) Furthermore, employees, unless an exception under paragraph (3) applies, should consider:
  - a. Turning off wireless phones before starting the car.
  - b. Pulling over to a safe place and putting the vehicle in "park" if a call must be made or received while on the road.
  - c. Modifying voicemail greeting to indicate the employee is unavailable to answer calls or return messages while driving.
  - d. Informing clients, associates, and others of this policy and an explanation on why calls may not be returned immediately.

- e. Pulling over to a safe place and putting the vehicle in "park" to make adjustments to a global positioning system or other navigational device.
- (3) Pursuant to KRS 189.292, this policy shall not apply to an emergency or public safety vehicle, when the use of a personal communication device is an essential function of the vehicle operator's official duties.

#### *Vehicle Accident Reporting Requirements*

- (1) An employee involved in a vehicle accident with a vehicle owned, leased, or rented by the city or involved in a vehicle accident in a privately-owned automobile while on city business shall follow these rules:
- a. Summon medical care for injured individuals.
  - b. Notify appropriate law enforcement authorities.
  - c. Notify the employee's department director.
  - d. Do not admit responsibility, or fault, or offer settlements.
  - e. Cooperate with law enforcement authorities and emergency medical personnel.
  - f. Obtain the names and addresses of any witnesses and involved parties.
  - g. Submit to a drug and alcohol test as described in the Drug- and Alcohol-Free Workplace Policy in Section 3 of this Handbook.
- (2) The employee's department director or supervisor shall be responsible for initiating any departmental investigation, ensuring the completion of all required city reports, and recommending any follow-up preventative actions. In addition, the department director or supervisor shall notify the mayor and city clerk of any injuries sustained by a city employee in accordance with the Reporting Work-Related Accidents Policy in Section 3 of this Handbook. The city clerk shall immediately notify the city's insurance carrier.

#### *Information Technology Acceptable Use*

- (1) The city's electronic resources are provided for the transaction of official business of the city. This policy is intended to establish rules applicable to all city personnel to ensure the city's electronic resources are appropriately utilized and protected.
- (2) All data that is stored on city-owned media is city property. To properly maintain and manage this data, the management may exercise at any time its right to inspect, record, and/or remove any, or all, information contained in computer databases, files, and email records, and to take appropriate action should unauthorized, or improper, usage be discovered.
- (3) All employees and officers who use computer equipment and software in the performance of their duties shall take all reasonable and necessary precautions to prevent damage to the equipment and software. To ensure the city's computer system and software integrity, all employees and officers are prohibited from connecting any hardware, or loading any software, onto the system, or any individual component of the system, unless the hardware, or software, has been specifically approved in advance by the city's contracted Informational Technology contractor.
- (4) Access to the data stored on the city's computer systems shall be limited to city employees and officers who require such access for the performance of their assigned duties. Employees or officers may not attempt to use passwords to gain access to coworkers' email or computer files without appropriate authorization.

- (5) No employee or officer shall make copies of data or software programs owned by the city for their own personal use, or for any purpose not required by the employee's assigned duties. If a software licensing agreement authorizes the reproduction of software, and an employee desires to obtain a copy of the software for installation on a single home computer to assist the employee in the performance of assigned duties outside of regular office hours, the employee shall seek specific approval from the city's contracted Informational Technology contractor before copying the software.
- (6) All city business email communications shall be conducted through the city email accounts. No city business conducted by an officer or employee of the city shall occur through a personal email account. Any city business conducted outside of the city email account will be subject to open records and it is the responsibility of the employee or officer to retain those messages in accordance with the Open Records Act and the Kentucky Department of Library and Archives Schedule and the Email and Communications Retention Schedule, as set out in Appendix \_\_. Questions regarding any recordkeeping requirements should be directed to the city clerk.
- (7) Employees or officers should have no expectation of privacy associated with information they transmit through, or store in, electronic mail programs owned by the city, even those on a cell phone. All messages and data processed electronically over the city-owned computers and communications systems are city property and may be subject to the Open Records Act.
- (8) In order to maintain the integrity and security of the city computer resources, employees or officers are strictly prohibited from downloading any software, unless prior approval is granted by the employee's supervisor after consultation with the city's contracted Informational Technology contractor. Excessive use of the internet for personal reasons during work hours may be grounds for disciplinary action.
- (9) Internet usage is intended for job-related activities; however, incidental, and occasional brief personal use is permitted within reasonable limits.
- (10) All internet data that is composed, transmitted, or received via the city's computer communications systems is part of the official city records, and as such, is subject to disclosure to law enforcement or open records requests. Consequently, employees should always ensure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.
- (11) The equipment, services, and technology provided to access the internet always remain the city property. As such, the city reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.
- (12) The electronic mail, and other information systems including facsimile machines, of the city are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
- (13) There is to be no display or transmission of: sexually explicit images; messages; or cartoons; or any transmission or use of email communications that contain: ethnic slurs; racial epithets; or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, sexual orientation, age, disability, or religious or political beliefs or any other protected class.

### *City Social Media*

- (1) The city may utilize social media and social network sites to further communicate with citizens.
- (2) The city's social media sites' purpose is to disseminate information from the city and to encourage discussion of city issues, operations, and services by providing members of the public the opportunity to participate through various platforms.

- (3) For purposes of this policy, “social media” is understood to be content created by individuals using the internet. Examples of social media include Facebook, blogs, Instagram, RSS, YouTube, Twitter, LinkedIn, and Flickr.
- (4) For purposes of this policy, “comments” include information; articles; pictures; videos; or any other form of communicative content posted on the city’s social media site.
- (5) The establishment and use by any city department of city social media sites are subject to approval by the city commission or their designee.
- (6) City social media sites should clearly state they are maintained by the city and that they follow the city’s Social Media Policy. All social media sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- (7) The site should adhere to all applicable state, federal, and local laws, regulations, and policies including city information technology and records management policies.
- (8) The designated coordinator of the social media site will monitor content on the social media site to ensure adherence to both the city’s Social Media Policy and the interest and goals of the city. The city reserves the right to restrict, or remove, any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed, based on these guidelines, must be retained by the designated coordinator as determined by the Email and Communications Retention Policy in Appendix C, including the time, date, and identity of the poster, when available.
- (9) The city’s website is <https://cityofmiddletownky.org> and will remain the city’s primary and predominant internet presence. All city social media sites shall have the government’s contact information prominently displayed. Whenever possible, the city’s social media sites should link back to the city’s official website for forms, documents, online services, and other information necessary to conduct business with the city.
- (10) All social networking coordinators shall be trained regarding the terms of the Social Media Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy. When possible, the city’s IT security policies shall apply to all social networking sites and articles.
- (11) Employees representing the city via the city’s social media sites must always conduct themselves as a representative of the city and in accordance with all city policies. Employees, as governmental employees, must be mindful that they should refrain from posting content on social media which reflects negatively on their employer or disparages any protected class or group.
- (12) The city will post the following on any social media page in a conspicuous location:

Comments placed on the social media site are subject to the following guidelines:

  - a. The city, as a public entity, must abide by certain standards to serve all its constituents in a civil and unbiased manner.
  - b. The city’s social media sites prohibit the posting of content and/or comments containing any of the following:
    1. Comments not topically related to the site or blog article being commented upon;
    2. Profane language or content;
    3. Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation, or any other protected class status;

4. Sexual content or links to sexual content;
  5. Solicitations of commerce;
  6. Conduct, or encouragement, of illegal activity;
  7. Threats of violence or to public safety;
  8. Information that may tend to compromise the safety or security of the public;
  9. Comments posted by automatic software programs; or
  10. Content that violates the legal ownership interest of any other party.
  11. The city reserves the right to deny access to the city's social media sites for any individual who violates the city's Social Media Policy, at any time and without prior notice.
- (13) Departments within the city shall monitor their social media sites for comments requesting responses from the city and for comments in violation of this policy.
- (14) When a city employee responds to a comment in their city employee capacity, the employee's name and title shall be made available, and the employee shall not share personal information about themselves or other city employees.
- (15) All comments posted to any city social media site are bound by the Social Media's Statement of Rights and Responsibilities, and the city reserves the right to report any violation to the social media site with the intent being that the social media site takes appropriate and reasonable responsive action.

***Employee Guidelines for Participating in Social Media***

- (1) The city understands that social networking and internet services have become a common form of communication in the workplace and among citizens. Employees that choose to participate in social media as a city employee should adhere to the following guidelines:
- a. City policies, rules, regulations, and standards of conduct apply to employees that engage in social networking activities while conducting city business. Use of your city email address and communicating in your official capacity will constitute conducting city business.
  - b. City employees shall notify their supervisor and the city commission if they intend to create a social media account or service to conduct city business.
  - c. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties. Department directors or supervisor may allow, or disallow, employee participation in any social media activities in their departments.
  - d. The protection of your privacy, and the privacy of citizens, by following all privacy protection laws (e.g., HIPAA) and the protection of sensitive and confidential city information.
  - e. Follow all copyright laws, public records laws, retention laws, fair use, financial disclosure laws, and any other laws that might apply to the city or your department.
  - f. Do not cite vendors, suppliers, clients, citizens, coworkers, or other stakeholders without their approval.
  - g. Make it clear that you are speaking for yourself and not on behalf of the city. If you publish content on any website outside of the city, and it has something to do with the work you do or is on a subject associated with the city, use a disclaimer such as: "The



postings on this site are my own and don't necessarily represent the City of Middletown's positions or opinions."

- h. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the city's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
  - i. If you identify yourself as a city employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens, and stakeholders.
  - j. Frame any comments, or opposing views, in a positive manner. Add value to the city through your interaction by providing worthwhile information and perspective.
- (2) Guidelines for participating in social media by police officers are contained within the Police Department Policy and Procedure Manual.

#### ***Employee Privacy Expectations***

- (1) Notwithstanding issues addressed specifically in other provisions of this Handbook, employees can expect a reasonable degree of privacy in the contents of their work areas, including desks, cabinets, closets, and similar locations. However, when an employee is absent, or otherwise unavailable, the city may seek out, for a legitimate business purpose, material believed to be contained in those work areas.
- (2) Supervisors may examine work-area contents or listen to employee communications of their subordinate employees for the purpose of ascertaining, or evaluating, the quality and/or quantity of an employee's work.
- (3) Employees cannot expect any degree of privacy in any documents, records, files, or city-owned devices, including, but not limited to, computers, cell phones, and tablets. Documents, records, files, and city-owned devices can be reviewed and searched at any time, for any reason, including preparation of a response to an open records request.
- (4) The contents of work areas may be subject to search where there is reasonable cause to believe there is a violation of these policies or evidence of a violation of any local, state, or federal law. Searches of work areas for this reason may only be conducted with the consent and involvement of the city commission.

#### ***Smoke-Free Workplace***

- (1) The city has a strict Smoke-Free Policy in all city buildings to provide a safe and healthy environment for all employees and customers.
- (2) Smoking, use of e-cigarettes or chewing tobacco is not allowed:
  - a. In any city building;
  - b. In any city vehicle; or
  - c. In any other place prohibited by law or city ordinance.
- (3) Designated smoking areas outside and away from entrances to city buildings will be specified for employees.

#### ***Customer Relations***

- (1) The city requires city employees to provide excellent customer service to the public and to their coworkers. The same quality service is provided to all customers regardless of age, race, nationality, socioeconomic and educational background, physical condition, etc. The city's

success and long-range plans are built on this commitment to provide excellent customer service by:

- a. Revising policies to value and support customer service;
  - b. Creating customer service training;
  - c. Establishing plans for promoting customer communication; and
  - d. Developing metrics for customer satisfaction.
- (2) All other city policies should be interpreted in relation to the customer service principles outlined in Appendix \_\_\_ of this Handbook.

### ***Open Records Policy***

- (1) KRS 61.870 to KRS 61.884, the Open Records Act establishes a right of access to public records. The General Assembly recognized that the free and open examination of public records is in the public interest. All public records, whether they are stored in a computer or on paper, must be open for inspection, unless the records are exempted by one or more of the exemptions found in the Act. You may inspect any nonexempt public record regardless of your identity.
- (2) For more information on Open Records contact the city clerk or refer to the city's website.

### ***Cross-Training***

Employees should be cross trained whenever possible to allow each employee to be able to fill in for each other when required.

### ***Suggestion System***

- (1) Employees are encouraged to submit suggestions that could allow the city to operate more efficiently and effectively.
- (2) Information or notification of safety concerns or imminent hazards to employees or to the public should be reported directly to the supervisor responsible for the location or the work process. Anonymity as to this reporting cannot be guaranteed.
- (3) Suggestions should be submitted to the city clerk, who shall forward them to the city commission for approval or disapproval. Employees who submit suggestions that are approved may receive recognition at the city commission meeting following implementation of the suggestion.

## **Section 4 – Employee Financial Practices, Reporting and Reimbursement**

### ***Purpose of the Employee Financial Practices, Reporting, and Reimbursement Policies***

The purpose of the policies contained in this section of the Handbook is to outline for employees all allowable business-related expenses and provide instruction for the handling of purchases and employee reimbursement. Employees should also be guided by the other policies contained in this Handbook in making any financial transaction on behalf of the city, or in incurring any business-related expenses for the city, including the Code of Ethics and work conduct policies.

### ***Employee Expense Reports and Reimbursement***

- (1) Business expenses may be charged to the city on a credit card issued to the employee in accordance with Use of City Credit Cards Policy in Section 5 of this Handbook or paid from the

employee's private funds and reimbursed upon the submission of the documentation required under this policy.

- (2) An employee requesting reimbursement for business-related expenses made on behalf of the city shall complete the Expense Report (HR Form Twelve). The employee shall submit expenses and supporting documentation in the following manner:
  - a. Expenses shall be submitted on at least a calendar-month basis.
  - b. Requests for reimbursement in expense reports shall be accompanied by an itemized receipt and all supporting documentation. The employee shall provide the business purpose, the date, location, amount, and the persons being covered by the purchase on the receipt or in the supporting documentation. Failure to provide a receipt and other applicable supporting documentation will result in denial of the reimbursement, unless the expense report is accompanied by an approved Missing Receipt Affidavit (HR Form Thirteen). Credit card statements will not be accepted as evidence of a receipt.
  - c. All expense reports must be approved and signed by the employee's supervisor or department director with the responsibility of budgeting and reviewing business expense information for the employee's department. The city clerk, or their designer, shall review all expense reports prior to reimbursement for the purpose of determining compliance with city policies. The city commission expense reports shall be submitted to the city clerk and approved by the city commission, in accordance with the city budget.
- (3) An employee who submits a fraudulent receipt or falsifies their expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
- (4) The city may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

#### *Use of a City Credit Card*

- (1) The city has authorized revolving city credit cards to be issued to certain officers and employees recommended and approved by the city commission. City credit cards are for use in making operational business purchases, purchases related to meetings, and other legitimate business expenses as set forth in this policy.
  - a. Operational expenses are those expenses necessary for the running of the city. Examples include, but are not limited to, office supplies and equipment, other office-related expenses, computer supplies, and any other non-travel related expenses.
  - b. Meeting-related expenses include, but are not limited to, group meals, hotel meeting rooms, prepaid airfare, prepaid hotel accommodations, prepaid business car rental, prepaid conference and meeting registrations, prepaid expenses for meetings, and unanticipated event or travel needs.
  - c. These examples are not intended to limit credit card use for other legitimate business expenses.
- (2) Employees issued a city credit card for operational or meeting-related expenses will be subject to the following conditions:
  - a. Only legitimate business and operational-related purchases may be charged on a city credit card.
  - b. The city credit cards shall not be used for personal expenses of any kind. If an expense is determined to be personal in nature, the expense must be reimbursed immediately.

The city commission, upon review, may require reimbursement of a personal expense outside of this time frame.

- c. All monthly credit card statements shall be reviewed by the person named on the card and their immediate supervisor, both of whom shall sign each page of the statement as evidence that they accept the identified expenses as legitimate business expenses. In addition, the statements shall be reviewed by the city treasurer, or their designee, to determine compliance with city policies.
  - d. Itemized receipts of each transaction made using a city credit card must be submitted to the city treasurer promptly for approval. The receipts shall provide details on the business purpose, date, location, amount, and persons covered by the purchase and shall bear evidence of supervisor approval on their face. Credit card statements will not be accepted as evidence of a receipt.
- (3) The city will review the policy regarding credit card usage and credit card limits on an as-needed basis, but no less than every three years.

### ***Employee Travel Expense Reimbursement***

- (1) Prior to any travel in the interest of the city, all city officers and employees will receive approval from the city commission and/or their immediate supervisor, based on the city budget. An employee will submit a Travel, Meeting, and Training Request (HR Form Ten) which will be reviewed and approved by the employee's department director/immediate supervisor and the city commission. Any travel that has not been approved in the city operating or travel budget will be approved by amendment of the budget by the city commission.
- (2) Registration for conferences and meetings will be performed by the city treasurer or other staff as may be designated. Before registration is complete, the employee will provide the city treasurer with an approved copy of the Travel, Meeting and Training Request (HR Form Ten). Employees should make an effort to provide this information in a timely manner so that the lowest possible registration fees may be obtained.
- (3) Reservations for overnight lodging will be made by the city treasurer unless otherwise approved by the city commission. Before reservations are made, the employee will provide an approved copy of the Travel, Meeting, and Training Request (HR Form Ten) to the city treasurer.
  - a. Reservations will be made in such a manner to secure the best available rate for safe, clean, and secure accommodations that are as close to the meeting location as possible. Every attempt should be made to stay in the hotel hosting the conference or meeting and to pay the conference room rate.
  - b. In-room movies, room service, mini-bar, use of hotel gym, spa or massage services, sauna facilities, or other additions to room bills are not reimbursable. Only usual and customary expenses are eligible for reimbursement.
  - c. A copy of the hotel folio or receipt showing proof of payment will be submitted by the employee for expense reimbursement.
- (4) Employees may use a city-owned vehicle or their own vehicle for business travel on behalf of the city. Employees will adhere to the following process related to mileage reimbursement:
  - a. When an employee traveling on behalf of the city uses their personal vehicle, the employee will be reimbursed for mileage. An employee will be reimbursed at the mileage rate allowed by the Commonwealth of Kentucky for business expense deductions under the following guidelines:
    1. An employee will not be reimbursed for transportation or commuting between the employee's home and their permanent workplace.

2. Mileage will not be reimbursed for attendance of a city function or event held outside of the workplace unless the employee has been assigned to work at the event.
  3. When an employee does not report to their permanent workplace, or makes business trips before or after reporting to their permanent workplace, the allowable mileage is:
    - (a) The lesser of the mileage from the employee's residence to the first stop or from the office to the first stop;
    - (b) All mileage between points visited on city business during the day; and
    - (c) The lesser of the mileage from the last stop to the employee's residence or from the last stop to the city office.
  4. To receive mileage reimbursement, the employee will state on their expense report the total number of miles traveled on city business. The employee will include the starting points and ending destination for each trip along with a description of the purpose of the travel. Any travel of a personal nature while on city business will be deducted from the total miles traveled.
  5. Parking violations and traffic or other moving motor violations are not reimbursable expenses.
  6. If the employee is involved in an auto accident while driving their own privately-owned vehicle on city business, they will follow the Vehicle Accident Reporting Requirements Policy outlined in Section 3 of this Handbook.
- (5) Except for reimbursable expenses related to official city business as provided in Section 5 of this Handbook, employees will only be provided reimbursement for meals involving overnight travel. Meal and incidental reimbursement amounts will be determined using the Commonwealth of Kentucky per diem schedule for each meal as established by the [Commonwealth](https://finance.ky.gov/office-of-the-controller/office-of-statewide-accounting-services/Pages/state-employee-travel.aspx) of Kentucky Finance and Administration Cabinet at <https://finance.ky.gov/office-of-the-controller/office-of-statewide-accounting-services/Pages/state-employee-travel.aspx>. The applicable rates are established and updated at least annually and are available from the city treasurer upon request.
- a. No receipts are required for per diem meal reimbursement and an employee will receive meal reimbursements in accordance with the following guidelines:
    1. For overnight travel, an employee is responsible for identifying the city of travel and the associated Commonwealth of Kentucky per diem rates for each meal. The per diem amounts include the cost of the meal and gratuity and no additional amounts will be reimbursed. An employee will be reimbursed the per diem amounts for breakfast, lunch, dinner for full days of travel involving overnight stay. An employee will receive per diem reimbursement for only certain meals on both the first and the last day of travel, depending on the employee's departure and return times. The employee will use the per diems applicable to the city of primary destination. The city of primary destination is the city the employee is traveling to on days of departure and the city the employee is traveling from on days of return. Breakfast: authorized travel is 6:30 a.m. through 9 a.m.;
    2. Lunch: authorized travel is 11 a.m. through 2 p.m.; or
    3. Dinner: authorized travel is 5 p.m. through 9 p.m.
  - b. The city will not reimburse a meal per diem allowance for any meal that is included in a registration fee for a conference or training, when the employee's meal is covered under

a group meal receipt submitted under paragraph (e) of this section, or when a receipt has been submitted for reimbursement as an expense related to official city business as provided in Section 5 of this Handbook. Conference or training functions where finger foods or hors d'oeuvres are served and continental breakfasts provided by hotels or conference sponsors do not constitute meals and the employee is entitled to claim the per diem for that meal.

- c. If the employee has attended a conference or training in conjunction with the travel, the employee is required to submit a detailed program agenda for per diem meal reimbursement.
  - d. Employees may submit and receive reimbursement for a group meal receipt for more than one employee if the dining establishment is unable or unwilling to provide individual checks, provided that the total cost of the meal does not exceed the total allowable per diems for all the participating employees. An employee submitting a group meal receipt will follow the procedures required in Section 5 for reimbursement on an expense report or the Use of a City Credit Card Policy in Section 5 when using a city credit card for documentation of the expense and will additionally state on the receipt that the receipt is for a group meal and the name of each participating employee. Employees covered by a group meal receipt will not be eligible for per diem reimbursement for that meal.
- (6) The city will reimburse employees for the following expenses relating to parking:
- a. An employee will be reimbursed for parking at hotels or overnight lodging accommodations for city-related meetings or in conjunction with business travel for the city. Employees will only be reimbursed for standard hotel parking rates unless the option is not available. Employees electing for valet parking will only be reimbursed up to an amount equal to the standard parking rates applicable at the hotel.
  - b. All other business-related parking fees are reimbursable upon the submission of a valid receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.
- (7) Employees should evaluate their individual circumstances and select the safest and most economical alternative when traveling to and from all destinations. Employees may be reimbursed for taxis, ride-sharing services, shuttles, public transportation, and rapid transit used for business-related transportation. Employees may be reimbursed for the payment of gratuities for taxi drivers up to a maximum of 20% of the total fare. The employees will submit a receipt in accordance with the Employee Reports and Reimbursement Policy in Section 5 of this Handbook.
- (8) Except as otherwise specifically provided in this policy, gratuities related to employee travel will not be a reimbursable expense.
- (9) The city will not reimburse or pay for the travel of an employee's family member or other guest. When a family member or other guest joins an employee on business-related travel, the employee or the guest is responsible for paying all travel costs, including airfare and meals.
- (10) Except for the travel-related expenses outlined in this policy, all other travel-related expenses are deemed non-reimbursable unless approved in writing by the city commission and accounted for in the city budget. An employee will submit their travel-related expenses for reimbursement on an Expense Report (HR Form Twelve) within 15 days after the end of the month in which the travel expenses were incurred.

### *Reimbursable Expenses Related to Official City Business*

- (1) City officers or employees receiving prior approval from the city commission will be reimbursed for reasonable business expenses incurred while conducting official city business. Examples of official city business include, but are not limited to, situations where individuals present are representing the city or if the individual's attendance has been requested by the city. The individual seeking reimbursement shall be responsible for using good judgment to ensure the expenses incurred are budgetarily sound and are compatible with the goodwill of the city.
- (2) Mileage for city business will be reimbursed quarterly.
- (3) Receipts detailing the business purpose, date, location, amount, and persons present must be submitted with the expense report as provided under the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook or, if a city credit card is used, as provided under the Use of a City Credit Card Policy in Section 5 of this Handbook. This information shall be written on the front or back of the receipt and on the expense report.
- (4) In the event the receipt is for reimbursement of a meal, an itemized receipt shall be submitted, and the gratuity shall not exceed 20% of the cost.

### *Alcohol Reimbursement Policy*

No reimbursement will be made for alcoholic beverages.

### *Conflicts of Interests in Contracts*

- (A) No officer or employee of the city or any city agency shall directly or through others undertake, execute, hold or enjoy, in whole or in part, any contract made, entered into, awarded or granted by the city or a city agency, except as follows.
  - (1) The prohibition in division (A) above shall not apply to contracts entered into before an elected officer filed as a candidate for the city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office or is hired as an employee, the prohibition in division (A) above shall apply to the renewal of the contract.
  - (2) The prohibition in division (A) above shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in division (A)(3) below are satisfied.
  - (3) The prohibition in division (A) above shall not apply in any case where the following requirements are satisfied:
    - (a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency;
    - (b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed;

- (c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, limited supply or other specific reasons; and/or
- (d) The finding is made part of the official record of the governing body of the city or city agency before the contract is executed.

(B) Any violation of this section shall be enforced under KRS 61.252.

***Contract Review and Execution***

- (1) All written contracts, or contract renewals, shall be reviewed by the city attorney, or their designee, before execution.
- (2) Approval from the city commission in accordance with the city budget and specifications is required prior to requesting the city attorney to draft a contract on behalf of the city.
- (3) All contracts made on behalf of the city shall be signed by the mayor after approval by the city commission.

***Check Handling by City Employees***

Any check, or other form of payment, received by a city employee shall be immediately presented to the city treasurer, or their designee, for deposit.

**Section 5 – Classification and Compensation**

**Employment Types and Classification**

- (1) As used in this Handbook, the terms below shall have the following meanings:
  - a. “Full-time employee” is an employee who is normally scheduled and expected to work a minimum of thirty (30) hours each workweek on a regularly scheduled basis.
  - b. “Part-time employee” is an employee who is normally scheduled and expected to work less than thirty (30) hours in a single workweek and for retirement purposes averages less than 100 hours a month in a calendar or fiscal year.
  - c. “Temporary employee” is an employee who is hired and works for a definite period of time. Generally, a temporary employee will be employed for a period of time not to exceed nine months and the position is not renewable.
  - d. “Seasonal employee” is an employee hired in a position that is temporary in duration, and whose position coincides with a particular season, or seasons, of the year and which may recur regularly from year to year. The time period of employment shall not exceed nine months.
- (2) Employees occupying full-time positions will be entitled to benefits provided by the city. All other categories of employment shall not be entitled to benefits, except those required by state or federal law, unless recommended and approved by the city commission.
- (3) The city designates all employment positions as either “exempt” or “nonexempt” based on applicable federal and state laws and regulations. The classifications are for the purpose of determining whether overtime compensation is due to the employee for hours worked in excess of 40 in a single workweek. Classifications of positions are reviewed by the city commission, in consultation with the city attorney, at the time of position creation or modification and on an annual basis to ensure legal compliance. As used in this Handbook, the terms below shall be given the following meanings unless specifically stated otherwise:
  - a. “Nonexempt employee” is an employee in a position whose duties and responsibilities require overtime compensation for any time worked in excess of 40 hours in any



workweek pursuant to the Fair Labor Standards Act and Kentucky wage and hour laws. The additional overtime compensation for nonexempt employees is calculated under the city's Overtime Compensation Policy established in Section 6 of this Handbook.

- b. "Exempt employee" is a salaried employee in a position whose duties and responsibilities render the employee exempt from the overtime requirements of the Fair Labor Standards Act and Kentucky wage and hour laws. An exempt employee is not eligible for additional compensation for working in excess of 40 hours in a workweek under the city's Overtime Compensation Policy established in Section 6 of this Handbook.

### ***Fiscal Year***

The city's fiscal year is the period from July 1 to June 30.

### ***Official Workweek***

- (1) The official workweek for all departments, except the police department, begins on Monday at midnight and ends on Friday at 11:59 p.m. The police department official workweek ends on Sunday.
- (2) The official workweek may be changed at any time, but not to avoid overtime requirements.

### ***Overtime***

- (1) "Overtime" means any time actually worked by a nonexempt employee in excess of 40 hours in any single workweek. In addition, if a nonexempt employee works seven days in any one workweek, and works over 40 hours in those seven days, all hours worked on the seventh are at time-and-a-half. For purposes of this section, workweek is defined in this Handbook.
- (2) Time off with pay such as holiday hours, vacation, and sick leave hours are not included in the calculations for overtime purposes.
- (3) The city is required under the Fair Labor Standards Act and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than 40 hours in a single workweek. Overtime wages shall be calculated at a rate of one-and-one-half times the employee's regular hourly rate of pay.
- (4) A nonexempt employee must be authorized orally or in writing by the employee's immediate supervisor prior to the employee's performance of any work that would result in overtime. The employee shall verify that their time record accurately reflects any overtime worked as required in Section 6 of this Handbook. Any employee who works overtime without prior authorization, or fails to properly report overtime work, shall be subject to disciplinary action.
- (5) The city and the employee's immediate supervisor or department director may require any nonexempt employee to take time off during any workweek that the employee has worked or will work more than 40 hours to minimize overtime costs.
- (6) Exempt employees are not eligible for overtime compensation.

### ***Compensatory Time***

- (1) Pursuant to KRS 337.285, the city gives nonexempt city employees the option of receiving compensatory time off ("comp time") instead of overtime pay for overtime hours worked.
  - a. All comp time off must be given at the rate of one-and-a-half hours for each hour of overtime worked (hours worked over 40 hours within the workweek as defined by the city in Section 6 of this Handbook).

- b. The maximum number of compensatory hours that may be accrued is 480 for city employees engaged in a public safety, emergency response, or seasonal activity. For employees engaged in all other work, 240 hours are allowed. Any hours over these maximums will be paid to the employee in overtime compensation at the regular rate earned by the employee at the time the employee receives the payment.
- c. To request the accrual of compensatory time, employees must provide a written request and must be approved by the department director and/or immediate supervisor in advance of any accrual on the Agreement to Accept Compensatory Time Off in Lieu of Overtime Pay (HR Form Six).
- d. Requests for time off using accrued comp time must be done on a prior approval basis by the submission of the Absentee Request (HR Form Seven). The request must have the approval of the employee's department director and will be scheduled to meet the needs of the employees, the city, and the public.
- e. Upon termination of employment, all unused accrued compensatory time will be paid at a rate of compensation not less than the average rate received by the employee during the last three years or the final regular rate received by the employee, whichever is higher.

***Work Performed by Nonexempt Employees Outside of Normal Working Hours***

- (1) A nonexempt employee shall not perform any work outside of their normal work hours unless the work has been approved in advance by their supervisor. In addition to all time the employee is required to be on the work premises, or at an assigned work location, "work" also means any effort, whether physical or mental, exerted by the employee for the benefit of the city including, but not limited to, travel time to and from an off-site work location and any time spent by the employee using the phone, email, text messaging, or other electronic communications for the purposes of the city, regardless of the time of day or the location where such effort is expended.
- (2) Under both federal and state law, a nonexempt employee shall be compensated for all work that they perform for the city. Any work performed, including work performed outside of normal working hours, by a nonexempt employee in a single workweek that results in overtime, or the accrual of compensatory time shall be governed by the Compensatory Time Policy and the Overtime Policy within this Handbook. All nonexempt employees shall keep track of any time spent working outside of their normal working hours and report that time in accordance with this Handbook.
- (3) A nonexempt employee that has the service of an electronic device paid for by the city as allowed by the Mobile Telephones and Communication Devices Policy within this Handbook, with the explicit expectation for it to be used outside of normal working hours on an ongoing basis, shall communicate each workweek with their supervisor if the inclusion of such time will result, or appears it could result, in overtime, so that appropriate action may be taken to avoid overtime, if possible.
- (4) No employee shall be required, encouraged, or expected to work "off the clock," which is defined as not tracking or reporting time worked. If any employee has been required to work "off the clock," they shall report it immediately to the mayor. Any supervisor that has required, or is attempting to require, "off the clock" work shall be subject to disciplinary action.

***On-Call Employees***

- (1) As a condition of employment, employees shall agree to report, within a reasonable period, if requested during a period of emergency. If an employee is called to report to work either after normal working hours, or before normal working hours, the employee shall be paid at the regular rate of pay for actual time worked.

- (2) Employees who are on call must adhere to all city policies, including the Vehicle Use and the Drug and Alcohol-Free Policies.

### ***Base Salary and Salary Adjustment***

The base salary for each employee is determined in accordance with the pay and classification ordinance created by the city commission. The city commission shall be responsible for administering, evaluating, and establishing compensation for all employees. The city employee compensation program shall be operated under the following conditions:

- (1) In its effort to ensure fair pay for all its employees, the city periodically adjusts base salaries and the salary ranges under its pay and classification ordinance based upon professional market studies and pay analysis. The city may make annual market, or cost of living, adjustments to the compensation of employees depending upon the availability of funds in the city budget.
- (2) In addition to the pay analysis, other factors for establishing employee pay under the compensation program include, among other things, the skill and effort necessary for efficient and effective job performance; the quality and quantity of actual job performance; the degree of responsibility such performance demands; the conditions under which the job is performed; the employee's experience; length of employment; the employee's educational and professional achievements, including licensure and certifications; and commensurate pay for similar jobs in the marketplace.

### ***Payroll Deductions***

- (1) The city will make all legally required deductions from an employee's gross pay in accordance with applicable legal requirements, including:
  - a. Federal and state income taxes;
  - b. Social Security (FICA) taxes; and
  - c. Deductions required by wage garnishment or child support orders.
- (2) The city may also deduct from an employee's pay their portion of insurance premiums and voluntary contributions.
- (3) Employees may request voluntary deductions be made from their gross pay, such as contributions to optional retirement plans. The employee shall obtain the appropriate form to request voluntary deductions from the city treasurer.
- (4) When the city must rely on information provided by the employee in order to make any legally required deduction, it is the sole responsibility of the employee to provide accurate and timely information to the city.
- (5) In accordance with the Fair Labor Standards Act, the city prohibits improper deductions from the pay of exempt employees and will reimburse employees for any improper deduction. When an exempt employee has exhausted all paid leave, the city may deduct for absences of one or more full days for leave related to sickness, disability, unpaid disciplinary suspensions, or for other personal reasons. In addition, the city may make either full- or partial-day deductions from the pay of an exempt employee during the first or the last week of employment when only part of the week is worked by the employee. Any exempt employee who believes that an improper pay deduction has been made shall immediately file a written complaint with the city treasurer setting forth the dates, amounts, reasons, and any other information for the pay deduction. The city treasurer, along with the city commission, shall take immediate action to investigate the issue, and if found to be an improper deduction, shall cause the employee to be compensated for the improper deduction within two pay periods from the date the written complaint was filed.

- (6) No other deductions will be made.
- (7) All deductions from an employee's pay will be listed on their pay stub. If an employee has questions about any deductions from their pay or if they believe improper deductions have been made from their pay, they must report their concern to the city treasurer immediately.

### *Direct Deposit*

The city has a weekly pay period for all employees. The net earnings for each pay period will be deposited directly in the employee's account at the financial institution of the employee's choice. The city treasurer can furnish details on the requirements of direct deposit.

### *Time Records*

- (1) Time records will be kept on all nonexempt employees to facilitate the city's compliance with overtime pay requirements. ~~Nonexempt employees shall submit time records through completion of Time Records (HR Form —).~~ The time record will reflect a single pay period consisting of one workweek. Time must be logged as the total number of hours actually worked each day, excluding meal periods. Any vacation, sick, compensatory leave time, or other paid leave time used by the employee must be recorded on the time record. Time records must be completed and submitted to the employee's supervisor no later than the Thursday morning immediately following the end of the pay period. Supervisors shall review and approve or disapprove time records in a timely manner.
- (2) Except for the department director or immediate supervisor of the employee, all employees are forbidden from entering any information on another employee's time record. An employee shall not falsify information on their own time record. Employees found to have violated this policy will be subject to discipline, up to, and including, discharge. Any errors discovered in an employee's time record shall be reported immediately to the city treasurer, who will determine the manner and method of correcting legitimate errors.

### *Unemployment Compensation Insurance*

Employees may be eligible for unemployment benefits upon termination of service with the city. Unemployment rights, benefits, and eligibility are governed by state law and can be explained by the state unemployment office. Unemployment compensation insurance premiums are paid for entirely by the city.

## **Section 6 – Health, Retirement, and Other Benefits**

### *Limitations of Coverage*

All insurance benefit coverages stated in the City of Middletown Employee Handbook are subject to plan document restrictions, if applicable.

### *Health Insurance*

- (1) All full-time employees cost are eligible for a health reimbursement account for themselves and their dependents. The effective date of coverage will be the first day of the month following the first day of employment.
- (2) The city may provide coverage for employees and their dependents up to a maximum amount, as determined by the city, based on the statewide average in the Kentucky League of Cities Wage and Salary Survey of Health Insurance Premium Costs and reflected in the annual budget. Employee shall submit request for payment on the last Thursday of each month. Specific information regarding health insurance plans available to employees should be obtained from the city clerk. Elected city officials may participate in the city's health insurance plans at their own cost.

- (3) The city complies with state continuation coverage and any additional amendments designed to provide employees and eligible dependents with the opportunity to continue health insurance coverage at group rates, where the coverage would otherwise cease, such as upon termination of employment, death of the employee, divorce, or a child ceases to be a qualified beneficiary. The premium for this continuation coverage shall be the sole responsibility of the employee or dependent, unless otherwise provided for by law. Coverage is not automatic and employees and/or their eligible dependents must make an affirmative election before coverage will begin. More detailed information regarding the continuation of health insurance coverage under state continuation coverage may be obtained by going to:  
<https://insurance.ky.gov/ppc/Documents/statecontinuationcoverage012612.pdf>.

#### ***Dental Insurance***

All full-time employees, and elected city officials (at the elected official's own cost), may be eligible for dental insurance, for themselves and their dependents. Specific information about the city's dental insurance plan is available from the city treasurer.

#### ***Vision Insurance***

All full-time employees and elected city officials (at the elected official's own cost), may be eligible for vision insurance, for themselves and their dependents, Specific information about the city's vision insurance plan is available from the city treasurer.

#### ***Life Insurance***

All full-time employees and elected city officials (at the elected official's own cost), may be eligible for life insurance coverage. Life insurance will be in the amount approved by the city commission as reflected in the annual budget. Specific information regarding life insurance is available from the city treasurer.

#### ***Other Optional Benefits***

- (1) All full-time employees and elected city officials (at the elected official's own cost), may participate in other optional benefit plans. Participation in these benefits is voluntary and the cost of the premium shall be paid by the employee. Benefits are subject to change, but may include:
  - a. Flexible Spending Account
  - b. Simple IRS Account for Retirement
- (2) Specific information about all optional benefits plans is available from the city treasurer.

#### ***Employee Assistance Program***

- (1) The city will provide confidential and voluntary assistance through its employee assistance program (EAP) to all employees and their family members who may be faced with dynamic challenges of financial concerns, legal issues, alcohol or drug problems, relationship problems, illness of a family member, emotional worries, childcare problems, etc. For the welfare of the employees as well as effective business operations, the city encourages its employees to take advantage of this valuable benefit of employment with the city. Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends. For information on the Employee Assistance Program contact your supervisor or the city clerk or go to [www.maxwelleap.com](http://www.maxwelleap.com) , user name "kic", and password "employee" or you may call (888) 550-5535.
- (2) EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such

as a therapist, agency, physician, treatment facility, or other professional that would be appropriate to assist in resolving the problem or situation. Where an employee may need information, a referral or suggestion may be given over the telephone. There is no charge for employees or their families to use the EAP.

- (3) The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage and their ability to pay for the ongoing treatment. Any time needed for illness-related appointments made by the EAP requires use of sick, vacation, or personal time on the same basis that it is granted for other health issues.
- (4) When an employee's job performance or attendance is unsatisfactory, or there appears to be signs of other problems during the workday, the supervisor should counsel the employee in consultation with the city clerk, or designee, with an end toward resolving the situation. If the employee appears to be unwilling or unable to correct the situation, the employee may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where continued employment with the city may be contingent upon the employee calling the EAP for assistance.
- (5) Participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following the city policies and procedures, or meeting required standards for satisfactory job performance except where specific accommodations are required by law.
- (6) All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment.

### *Workers' Compensation*

- (1) The city pays the entire amount of the workers' compensation insurance premium providing benefits to employees who experience injury or illness in connection with employment. Eligibility begins on the first day of employment. Workers' compensation benefit entitlements are governed by KRS Chapter 342. If employees have questions concerning their rights or benefit amounts, they should contact the city treasurer.
- (2) Unless extenuating circumstances make it impossible, or impractical, an employee who is injured, or becomes ill, in connection with employment, regardless of the severity of the injury, shall immediately notify their department director/supervisor and/or the city clerk, who will see to necessary medical attention and assist in the completion of any required reports. In any case of serious injury, employees are required to receive prompt medical attention by a physician authorized under the city's designated workers' compensation plan. Employees and supervisors shall contact the city clerk to report all work-related accidents and injuries.
- (3) Except in the case of serious illness or injury, an employee must also call the "Company Nurse" on the Injury Hotline at **855-339-1889**. More information on this program can be found in Section 3, Reporting Work-Related Accidents.
- (4) Employees receiving workers' compensation for job-related injuries or disease may use sick and/or vacation leave to supplement the payment up to, but not to exceed, their regular rate of pay for a period not to exceed three months.
- (4) Vacation and sick leave benefits will not continue to accrue while on workers' compensation leave.
- (5) If the city has reasonable suspicion that the employee's drug or alcohol use may have been a factor in an injury while the employee is working for the city, the employee will be subject to

the post-accident drug testing policy found within the city's Drug and Alcohol-Free Workplace Policy in Section 3 of this Handbook.

### ***Return-to-Work Program***

- (1) It is the policy of the city, when possible, to modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury. Note: This policy should not be construed as recognition that an employee has a disability as defined by the Americans with Disabilities Act (ADA) of 1990 and its Amendments.
- (2) This policy applies to all city employees.
- (3) Definitions:
  - a. Return-to-Work (RTW) (modified-duty) position is a temporary position to which an employee is assigned when they are unable to return to their regular position following an on-the-job injury or illness. The return-to-work position temporarily addresses the restrictions placed on an individual by an evaluating physician.
  - b. Employment-related injury is an injury or occupational disease, which arises from the course and scope of employment and is a compensable injury or illness, as defined under the Kentucky Workers' Compensation Act.
  - c. Evaluating Physician, in this policy, means a doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the Kentucky Workers' Compensation Act.
- (4) It is the responsibility of the injured employee to inform the evaluating physician of the employer's Return-to-Work Program; to adhere to the assigned restrictions/limitations for the specified period of time; to maintain a positive attitude toward working within physical restrictions/limitations; and to continue to seek and follow appropriate medical care throughout the recovery period.
- (5) It is the responsibility of the employer to review and evaluate work alternatives for a temporary specified period of time as established by the evaluating physician; to evaluate the job description and modify requirements within the position to accommodate the employee to the assigned restrictions; to monitor the injured employee to ensure work performed is within the assigned restrictions; and to continue to review and adjust job assignments as the medical condition improves and restrictions change until the final goal of either release to full duty or maximum medical improvement is achieved.
- (6) It is the responsibility of the evaluating physician to assign specific temporary restrictions for a specified period of time; to review and adjust assigned restrictions at each evaluation; and to maintain beneficial and appropriate medical care and treatment with the goal of moving the injured worker to full duty release or maximum medical improvement.
- (7) It is the responsibility of the claims adjuster to obtain specific temporary restrictions/limitations for a specified period of time from the evaluating physician after each evaluation; to communicate verbal and written restrictions to the designated employer contact; and to work effectively with the injured employee, employer, and physician to reach the goal of returning employee to gainful employment.
- (8) To be eligible for participation in the Return-to-Work Program, an employee must provide a written statement from the designated treating physician that they are:
  - a. Temporarily unable to perform their essential duties following an employment-related injury or illness; and

- b. Capable of carrying out work of a lighter or modified nature from their regular duties and they are expected to return to their regular duties within 90 calendar days.
- (9) Once notified of an on-the-job injury or illness, and the injury has been reported to the employer's workers' compensation carrier, the employer will inform the employee in writing of the Return-to-Work Program.
  - (10) The employee must be seen and evaluated by a physician to determine if the employee is able to return to work and, if so, with, or without, restrictions.
  - (11) At the time of the evaluation, the employee must inform the physician of the Return-to-Work Program and provide them with a copy of the employee's regular job description that identifies the essential job functions and its requirements.
  - (12) When the employee can return to work with restrictions, the employee's evaluating physician must complete a report, indicating the specific restrictions and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the evaluating physician.
  - (13) Taking into consideration the information provided by the evaluating physician, the employee's department director, in consultation with the city commission, will determine if a temporary modified-duty assignment can be offered. There may be instances in which the city will not be able to offer a modified-duty assignment.
  - (14) If the employee's regular department is unable to meet the employee's need for the modified-duty position, the employee's department is responsible for payment of the employee's salary and benefits while performing a modified-duty position in a different department which has been able to meet the employee's need for modified duty.
  - (15) The employer should use one of the two following compensation arrangements:
    - a. There will be no adjustment in the employee's normal compensation. The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department.
    - b. In most cases, there will not be an adjustment in the compensation of the employee that is placed in a modified-duty position. However, the employee placed in a modified-duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. If that salary is less than their normal salary, then they will be paid at least what the maximum weekly benefit would be for their regular salary as defined by the Kentucky Workers' Compensation Act.
  - (16) Once the employee has been approved to participate in the Return-to-Work Program, the department must provide a return-to-work letter. This letter will include:
    - a. The position offered;
    - b. The location and duties of the position offered;
    - c. The wages and schedule of the position offered;
    - d. The duration of the temporary work assignment; and
    - e. A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.
  - (17) An employee may choose to accept or refuse the return-to-work offer. Rejection of the job could result in suspension of income benefits under workers' compensation insurance.
  - (18) Employees do not waive any rights to workers' compensation benefits by participating in the Return-to-Work Program. Employees participating in the Return-to-Work Program will



continue to be covered by the Workers' Compensation Act for reasonable and necessary medical expenses and disability benefits related to the injury or illness.

- (19) The maximum length of a return-to-work with modified-duty offer will be 90 calendar days. The duration of approved time will be based upon the information provided by the employee's evaluating treating physician.
- (20) An employee who is unable to return to their regularly assigned duties at the end of the modified-duty assignment and who remains with temporary restrictions which will prevent them from returning to their pre-injury position, will begin to receive temporary total disability benefits through the workers' compensation program. If the restrictions are permanent and will not allow the employee to return to their pre-injury position, then they can request a leave of absence, or the employer can address termination.
- (21) Employees may be required to attend an independent medical exam (IME) to either clarify the continued restrictions or find that they have reached maximum medical improvement (MMI), and permanent restrictions are assigned as determined by the evaluating physician.
- (22) The department has the option to approve, or deny, the leave of absence request. If leave without pay is denied, pursuant to the city's Unpaid Leave Policy, employment with the city will be terminated.
- (23) If the employee believes that the condition is permanent, progressive, or chronic, they may pursue the Americans with Disabilities Act Accommodation Policy, in Section 1 of this Handbook, to determine if they are a qualified individual with a disability.

#### ***Retirement and Social Security***

- (1) The city offers a simple IRA. This is a type of tax-deferred employer provided retirement plan that allows employees to set aside money and invest it to grow for later use, which is more particularly described as follows:
  - a. The city's simple IRA is a type of individual retirement account (IRA) that is set up to be an employer provided plan.
  - b. The plan is available to full-time employees who meet the hourly work and wage requirements.
  - c. The IRS contribution limit for a simple IRA is determined by the IRS. Complete details are available through the city's financial advisor.
- (2) The city participates in the federal social security program and will contribute a percentage of salary, to the extent required by law, to the Social Security Administration for each employee.

#### ***Employee Education Reimbursement***

- (1) Subject to the constraints of the annual budget, the city will attempt to make individualized opportunities available to its employees for further development of specific skills and expertise deemed of mutual benefit to the employee and the city. The continuing education assistance provided under this policy is intended to support the pursuit of a formal degree and to supplement employee development provided through seminars, workshops, conferences, and similar activities that are paid for by the city under the Professional Memberships, Training, Licensing, and Certification Policy within this section.
- (2) All full-time employees who have completed at least one year of continuous employment with the city are eligible to receive continuing education assistance reimbursements up to a maximum of \$1,500 per fiscal year for tuition and instructional materials for approved educational activities.

- (3) All education and training courses, for which reimbursement is requested, must relate directly to the employee's current job functions and responsibilities, or to job functions and responsibilities within the city that the employee, in the view of management, will likely have the opportunity to undertake in the foreseeable future.
- (4) Continuing education assistance funding shall be available only on a reimbursement basis, and only to the extent authorized in the city's annual budget. Reimbursement will be made in accordance with the following schedule if the employee successfully completes the approved educational activity:
  - a. A 100% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "A" in undergraduate, or equivalent, coursework or the letter grade of "A" or "B" in graduate-level coursework. Further, 100% reimbursement is granted for preapproved educational coursework where the class is graded on a pass/fail basis and the employee achieves a passing mark.
  - b. An 85% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "B" in undergraduate or equivalent coursework.
  - c. A 70% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "C" in graduate-level coursework.
  - d. A 50% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "C" in undergraduate or equivalent coursework.
- (5) If continuing education assistance funding for an individual employee exceeds \$500 in any fiscal year, the employee may be asked to enter into a contract with the city for repayment of the funding in the event the employee terminates employment with the city within a specified time after completion of the coursework.
- (6) All requests for funding shall be submitted, in writing, to the employee's immediate supervisor. The request must include specific details of the proposed activity, cost, duration, and an assessment of the potential benefit to the employee and the city. All requests for funding shall be made no later than 30 days before the beginning of the requested activity. Exceptions may be made to the 30-day period for coursework where the total cost does not exceed \$300.
- (7) Supervisors shall be responsible for reviewing the request, discussing it with the employee, and forwarding the request, along with the supervisor's recommendation, to the city clerk for final approval by the city commission if not included in the city budget. Final decisions regarding continuing education assistance funding shall be made based on the relevance of the activity to the employee's job functions and responsibilities, the employee's workload, equity among staff members, seniority, budget constraints, and other factors that are deemed appropriate under the circumstances. Supervisors should consider these factors in making recommendations to the city clerk regarding the request.
- (8) Within 60 days of the completion of an educational or training activity for which reimbursement is sought, the employee shall submit a written report to the employee's supervisor concerning the outcome of the activity. The report must include the transcript, or other official documentation of grades achieved (if the activity is graded), and any other evidence of successful completion of the activity. The supervisor shall forward the report to the city clerk with any pertinent comments and recommendations regarding reimbursement and the city clerk shall forward it to the city commission for final approval.
- (9) Approval in one fiscal year does not guarantee that an employee will be approved again in any subsequent year nor shall approval for or successful completion of an educational activity under this policy be interpreted, or relied upon, by the employee as any type of promise or guarantee regarding compensation or advancement.

### *Public Service Loan Forgiveness*

- (1) If an employee has federal Direct Loans, including Direct Consolidation Loans, they may be eligible for Public Service Loan Forgiveness, also known as PSLF.
- (2) If an employee makes 120 qualifying monthly payments under a qualifying repayment plan while serving in the military or employed at a government or non-profit entity, the employee may be eligible to get the balance of their loans forgiven.
- (3) For additional information, see the following link <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service>.

### *Professional Memberships, Training, Licensing and Certification*

- (1) Certain positions of employment with the city require professional membership, licensure, and certification. In general, the city will cover all costs of memberships, training, examinations, or renewal of licenses and certifications that directly relate to the employee's current position with the city.
- (2) Employees shall notify their department director of any memberships, training, certifications, and licenses that may be covered under this policy by April 1 so that appropriate steps can be taken to include these costs in the annual departmental budget. An employee shall not expect the city to pay or reimburse the employee for the cost of any membership, training, examination, license, or certification unless it has been approved in advance by the department director and the mayor and included in the city budget.
- (3) An employee's department director shall determine the relevancy of the membership, training, examination, license, or certification as it relates to the employee's current job functions or job functions that the employee is expected to undertake in the foreseeable future.

## **Section 7 – Paid and Unpaid Leaves**

### *Holidays*

- (1) All full-time city employees shall receive paid leave for the following holidays:
  - a. New Year's Day
  - b. Martin Luther King Day
  - c. President's Day
  - d. Memorial Day
  - e. One half day on Good Friday
  - f. Independence Day
  - g. Labor Day
  - h. Veteran's Day
  - i. Thanksgiving Day
  - j. Day after Thanksgiving
  - k. Christmas Eve
  - l. Christmas Day

- m. New Year's Eve
  - n. One floating holiday of the employee's choosing subject to approval by their department director/supervisor.
- (2) Unless otherwise designated by the city commission, paid holidays will be observed on the date of their actual occurrence. If the holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday will be observed on the following Monday.
- (3) Any employee who is required to work on the actual holiday will be paid for all hours worked in addition to eight hours of holiday pay.

*Vacation Leave*

- (1) All full-time employees shall receive paid vacation leave. Temporary employees and seasonal employees shall not be eligible for paid vacation leave. Vacation leave shall be granted to an employee each calendar year on the following basis:
- a. After 90 days with the city, an employee receives one week of vacation per calendar year.
  - b. After two years with the city, an employee receives two weeks of vacation per calendar year.
  - c. After five years with the city, an employee receives three weeks of vacation per calendar year.
  - d. After ten years with the city, an employee receives four weeks of vacation per calendar year.
- (2) Vacation leave begins to accrue on the first day of employment.
- (3) Vacation leave shall not accrue for any month during which there was a suspension of five days or more or a personal leave of absence without pay in excess of ten workdays. In addition, vacation leave shall not accrue for any leave of absence in excess of six months due to injury sustained in the course of employment. Vacation leave will not be charged for any recognized holiday falling within a period of approved vacation.
- (4) On January 1 of every year, each employee's vacation leave account will be credited with the full amount of the annual vacation leave due the employee for the ensuing year. Each pay period, the employee's vacation leave account will be debited for vacation leave used by the employee during the preceding period. If an employee ceases to be employed during the year, the employee must repay to the city the amount of vacation leave used in excess of the leave that has accrued up to the date of termination. If possible, the value of the excess leave will be deducted from the employee's final paycheck.
- (5) An employee shall receive advance approval from their immediate supervisor prior to the use of any vacation leave time by the submission of an Absentee Request (HR Form Seven) in accordance with Section 8 of this Handbook. Requests for use of vacation leave time should be made as soon as possible to ensure minimum disruption to the department and the organization work schedule and workflow. Payment for vacation leave shall be at the employee's current rate of pay. An employee who has a break in service, except for a lay-off, shall not receive credit for prior service but shall be treated as a newly hired employee.
- (6) An employee may carry over a maximum of 20 days of accrued and unused vacation leave time to the next calendar year. Any amount over 20 days will be compensated at the full rate at the end of each calendar year. At the end of each calendar year, an audit of each employee's

accrued vacation time will be made available to the employee. Each employee shall be required to sign the audit form stating that they agree with the form and their supervisor shall also sign.

- (7) Absence on account of sickness, injury, or disability in excess of that hereinafter authorized for such purposes shall at the request of the employee and within the discretion of the city commission, be charged against vacation leave. If an employee is placed on leave of absence without pay, he or she shall be paid for any accumulated vacation.
- (8) Upon termination of employment, an employee shall be paid for any vested, but unused, vacation leave time up to 20 days. The employee shall be compensated at the regular hourly rate earned by the employee at the time of separation. The applicable hourly rate for both exempt and nonexempt employees shall be calculated as provided in Section 6 of this Handbook.

### *Sick Leave*

- (1) Each full-time employee of the city shall be entitled to sick leave of 3.75 hours with pay for each completed work month of service or major fraction thereof (3.75 hours constitutes a major fraction). Employees who render emergency, part-time, per diem, or contract service shall not be entitled to sick leave. No employee shall be entitled to sick pay for days missed which were not regularly scheduled workdays. A sick day shall be considered that number of hours included in the individual employee's normal workday, not to exceed eight hours. Unused sick leave may be cumulative up to 30 days.
- (2) Sick leave time begins to accrue on the first day of employment. For periods of less than one month, such as at the beginning or end of employment, sick leave will accrue on a pro rata basis in minimum increments of 1/4 hour.
- (3) On January 1 of every year, each employee's sick leave account will be credited with the full amount of the annual sick leave due to the employee for the ensuing year. Each pay period, the employee's sick leave account will be debited for sick leave used by the employee during the preceding period. If an employee ceases to be employed during the year, the employee must repay to the city the amount of sick leave used in excess of the leave that has accrued up to the date of termination. If possible, the value of the excess leave will be deducted from the employee's final paycheck.
- (4) An employee may use sick leave for any one of the following reasons:
  - a. To avoid jeopardizing the health of other employees;
  - b. Illness, disability, medical condition, or a medical or dental appointment of the employee, or a member of the employee's immediate family necessitating the employee's presence. "Immediate family" shall mean the employee's spouse, child, mother, father, or other permanent members of the employee's household;
  - c. Personal leave; or
  - d. Because mental health is an integral part of overall wellness, the city allows employees to take advantage of sick leave for occasional "mental health days."
- (5) An employee using sick leave time shall notify their immediate supervisor, as soon as possible, of the need to use sick leave. For periods of leave longer than one full day, the employee shall notify their supervisor of each separate day that leave will be used unless prior arrangements have been made.
- (6) Whenever an employee uses sick leave time, the employee shall submit an Absentee Request (HR Form Seven) in accordance with Section 8 of this Handbook. When possible, the employee shall submit the Absentee Request Form in advance of the leave. Otherwise, the employee shall submit the Absentee Request Form immediately upon return to work.

- (7) A medical certification or physician's statement will generally not be required to return to work after the use of sick leave. However, an employee's department director may require medical certification or a physician's statement, when there is a reasonable basis to believe the sick leave policy is being abused, to certify that the employee can perform the essential functions of the job without risking the safety of themselves or others, or the employee's length of absence exceeds three full workdays.
- (8) An employee may carry over an accumulated maximum of 30 days of unused sick leave time to the next calendar year. Any sick leave in excess of 30 days may be paid to the employee at the end of the calendar year. The applicable hourly rate for both exempt and nonexempt employees shall be calculated as provided in Section 6 of this Handbook and subject to all required deductions.
- (9) Upon termination of employment, the employee will be compensated at a rate of 50% of current compensation for up to 30 days of accumulated sick leave days.
- (10) An employee eligible for sick leave with pay may use such leave, upon approval of their immediate supervisor, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees, illness or death in the employee's immediate family (For this purpose, immediate family shall mean spouse, mother, father, children, grandchildren, mother or father-in-law, grandparents, sister, or brother). An employee on sick leave shall inform their immediate supervisor of the facts and the reason therefore as soon as possible and failure to do so within a reasonable time may be cause for denial of sick leave with pay for the period of his/her absence. Sick/personal time can be used for doctor/dentist appointments, or any other reasonable appointment time as approved by their immediate supervisor.
- (11) Absences for a fraction or part of a day are chargeable to sick leave in accordance with the provisions and shall be charged proportionately as time is used. Sick time to be recorded on last working day of the month. At the end of each calendar year, an audit of the employee's accrued sick time will be made available to the employee. Each employee and their immediate supervisor personnel officer shall be required to sign the audit form stating that they agree with the calculation on the audit form.
- (12) Any employee fraudulently obtaining sick leave, or department director/supervisor falsely certifying sick leave allowance for absence from work for other reasons, may be suspended, reprimanded, or dismissed. The treasurer shall keep records of sick leave allowance, sick leave taken, and balance of sick leave allowance for the individual employees.
- (13) In the event of sick leave for any purpose, the immediate supervisor may require a physician's certificate or other suitable evidence giving information as to the circumstances involved.
- (14) The immediate supervisor shall notify his or her employees of his or her accrued sick leave balance at the end of each calendar year, a summary of which shall be kept in the employee's file.

### ***Sick Leave Donation***

- (1) The purpose of this policy is to establish guidelines and procedures for the administration of the Sick Leave Donation Program. This program permits city employees to donate a portion of their accrued sick leave time for the use of other employees who are experiencing a medical emergency or for maternity or parental leave. A medical emergency is a medical condition of an employee or their family member(s) that results in a prolonged absence from work and substantial loss of income due to the employee's exhaustion of all available paid leave. Use of donated sick leave time by another employee is permitted after the city treasurer determines the receiving employee's eligibility.
- (2) Employees may donate accrued sick leave hours to coworkers who have experienced either their own medical emergency or to care for a family member during a medical emergency, or for the recovery from the birth of a child, or for parental leave as stated in the Pregnancy and Parental Leave Policy. Employees wishing to receive donated leave must have exhausted their own paid leave time. Family member is defined as an employee's spouse, child, mother, father,

grandmother, grandfather, brothers, sisters, immediate in-laws, or other permanent members of the employee's household.

- (3) An employee wishing to donate sick leave hours to another employee must meet the following criteria:
  - a. Employee must have at least 200 sick leave hours accrued prior to the donation of sick leave hours to another employee.
  - b. Employee may not donate in excess of 160 hours per employee per calendar year. Sick leave may be donated in eight-hour increments only.
  - c. Employee must sign a statement of understanding, Sick Leave Donation (HR Form Eight) regarding the sick leave donation and its effect on the employee's accrued sick leave and have the donation approved by the employee's immediate supervisor.
- (4) An employee who meets the following criteria shall be eligible to receive donated sick leave hours after the first pay period in which the employee's accrued leave (sick leave, vacation leave, and any other form of accrued leave) balance is zero.
  - a. An employee may not solicit any other employee on their behalf to donate sick leave time.
  - b. An employee must have worked for the city for 12 months or longer and must be an employee in good standing.
  - c. An employee must be in a full-time position established by the city commission.
  - d. An employee must be off work due to a verifiable personal or family member's catastrophic illness or injury, not including workers' compensation.
  - e. An employee must provide medical certification of inability to work or certification of a serious illness of a family member.
  - f. Employee must sign a statement of understanding, Sick Leave Application (HR Form Nine).
  - g. Provided an employee meets or exceeds the above criteria, the employee may receive donated sick time from other city employees as follows:
    1. An employee having a total of up to 120 months of accumulated service with the city shall be eligible to receive up to 100 hours of donated sick time in any calendar year.
    2. An employee having a total of 121 to 240 months of accumulated service with the city shall be eligible to receive up to 200 hours of donated sick time in any calendar year.
    3. An employee having a total of 241 to 360 months of accumulated service with the city shall be eligible to receive up to 250 hours of donated sick time in any calendar year.
    4. An employee having in excess of 360 months of accumulated service with the city shall be eligible to receive up to 300 hours of donated sick time in any calendar year.
- (5) A receiving employee may use donated time at the same rate as the receiving employee is normally scheduled to work. For example, a 20 hour per week employee may not receive and be paid for more than 20 hours donated per week; an employee working 40 hours per week may not receive and be paid for more than 40 hours per week.
- (6) There will be no accrual of vacation or sick leave as a result of using donated sick leave hours.

- (7) An employee who has received donated sick leave time must return to work at the earliest possible date the employee is fit to work, regardless of the availability of sick leave donations. The city reserves the right to request an opinion from a medical professional of the city's choice to attest to the continued need to be absent from work.
- (8) The city treasurer shall process donations of sick leave time on the next pay period upon the receipt of authorization from the human resources officer, ensuring that the hours donated will be transferred to the receiving employee's sick leave account.
- (9) An employee receiving sick leave donations will continue to receive all other benefits provided by the city in accordance with the city's policies and procedures.
- (10) Any pay received by the employee as a result of donated sick leave time will be subject to any usual deductions on incomes (e.g., federal and state taxes, retirement, etc.)
- (11) Sick leave hours donated but unused shall be returned to the employees who donated the time on a prorated basis (e.g., an employee who donates 25% of the total sick leave hours donated shall receive 25% of the sick leave hours donated but not used).

#### ***Family and Medical Leave Act (FMLA)***

The federal Family and Medical Leave Act (FMLA) applies to all public agencies. However, employees of public agencies must meet all the requirements of eligibility, including the requirement that the employer employs 50 or more employees for FMLA eligibility. The city does not employ 50 or more employees at the time of adoption of this policy' as such, employees are not currently eligible for FMLA.

#### ***Maternity and Parental Leave***

- (1) The city recognizes that employees may need to be absent from work to care for a newborn child or newly adopted or placement of a foster child (referred to as parental leave in this policy), or due to a pregnancy-related condition (referred to as pregnancy leave in this policy). The city provides pregnancy and parental leaves of absence to all eligible employees in accordance with the Pregnancy Discrimination Act (PDA), Americans with Disabilities Act (ADA), Kentucky Pregnant Workers Act, and any applicable state law.
- (2) The city clerk is responsible for the administration of this policy. If you have any questions regarding this policy, or if you have questions about pregnancy or parental leave that are not addressed in this policy, please contact the city treasurer.
- (3) If you need to take parental leave for the birth of your child or to care for a newly adopted or foster child, you should provide advance notice to your supervisor or the city clerk. When possible, you should give at least a 30-day notice of your request for leave. If a 30-day notice is not possible because of medical necessity or for other reasons, you should give as much advance notice to the city as possible.
- (4) Written notice is preferred, but not required. If you are suffering from a pregnancy-related disability and require reasonable accommodation (which may include leave) for this purpose, please speak with your department director and/or the city clerk to discuss a reasonable accommodation. You may be required to submit medical certification of your disability.
- (5) During pregnancy and parental leave, employees will be paid 50% of their normal rate of pay for four weeks. Employees also may use any or all their accrued but unused vacation or other paid time off during their pregnancy and parental leave.
- (6) During pregnancy and parental leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law. For all other benefits, an employee on pregnancy or parental



leave will receive the same rights and benefits as employees on a paid or an unpaid leave of absence.

- (7) Your job will be held for you in accordance with applicable law while you are on pregnancy or parental leave.
- (8) If you are on pregnancy-related disability leave, when you are able to return to work, you must submit a doctor's certification stating you are medically able to return to your normal duties. Your continued absence from work beyond your required disability leave period (as determined by your physician) and exhaustion of all other available leave may be deemed a voluntary abandonment of your job.
- (9) Nothing in this policy requires the city to reemploy individuals who are not eligible for reemployment rights under applicable law.
- (10) The city prohibits, and will not tolerate, discrimination or retaliation against any employee or applicant because of that person's pregnancy or parental leave. Specifically, no one will be denied employment, reemployment, promotion, or any other benefit of employment or be subjected to any adverse employment action based on that person's pregnancy or parental leave. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.
- (11) The city is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of our efforts depends on employees telling us about inappropriate workplace conduct. If employees feel that they, or someone else, may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report such conduct, the city may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

#### *Adoption Leave*

- (1) An employee adopting a child under the age of ten shall be granted reasonable personal leave that does not exceed six weeks. Or, if the city has a policy of providing time off for birth parents that is greater than six weeks, that period of time shall be the minimum period of leave available to adoptive parents. During adoption leave, employees will be paid 50% of their normal rate of pay for four weeks as stated in the Maternity and Parental Leave Policy.
- (2) In addition, if the city provides paid leave, or any other benefits, to employees who are birth parents following the birth of a child, the same paid leave and/or benefit(s) will be available to employees adopting a child under the age of ten.
- (3) This leave is not available to an adoption by fictive kin, stepparent, stepsibling, blood relative, including a relative of a half-blood, first cousin, aunt, uncles, nephew, niece, and a person of a preceding generation as denoted by prefixes of grand, great or great-great, or foster parent who adopts a foster child who is already in their care.

#### **Critical Incident Leave for Police Officers**

- (1) Up to two working days of Critical Incident Leave is provided to police officers when an officer is involved in an event resulting in a stressful impact that is sufficient to overwhelm a peace officer's usual coping strategies as defined in KRS 15.518 and the Police Department Standard Operating Procedures and KRS 95A.292.
- (2) A police officer involved in a critical incident must make the request for this leave from their supervisor as described in the Police Department Standard Operating Procedures.

- (3) The leave provided under this policy will be paid to the officer at their normal rate of pay. Any leave beyond the two working days will be unpaid; however, any additional time needed by the officer may be covered by any of their available accrued leave time.
- (4) Whenever the use of critical incident leave is necessary, the employee shall provide advance notice to their supervisor and the employee shall submit an Absentee Request (HR Form Seven) in accordance with Section 8 of this Handbook. When possible, the employee shall submit the Absentee Request Form in advance of the leave. Otherwise, the employee shall submit the Absentee Request Form immediately upon return to work.

### *Bereavement Leave*

- (1) All full-time city employees shall be eligible for paid bereavement leave in the event of death in the employee's immediate or extended family. Bereavement leave shall be granted on the following basis:
  - a. An employee shall be authorized for up to three days of paid bereavement leave in the event of death in the employee's immediate family. For the purposes of this paragraph "immediate family" shall mean the employee's parents, grandparents, siblings, and children, including step-relatives and in-laws.
  - b. An employee may be eligible for up to one day of additional paid bereavement leave for extenuating circumstances, such as for traveling long distances and making family arrangements. In addition, other special relationships may exist where the employee may be eligible for one day of bereavement leave. In these instances, the employee should discuss the circumstance or the relationship with the employee's immediate supervisor, who shall grant or deny such requests considering the workload, the employee's circumstances, and other pertinent factors.
- (2) Whenever the use of bereavement leave is necessary, the employee shall provide advance notice to their immediate supervisor and the employee shall submit an Absentee Request (HR Form Seven) in accordance with Section 8 of this Handbook. When possible, the employee shall submit the Absentee Request Form in advance of the leave. Otherwise, the employee shall submit the Absentee Request Form immediately upon return to work.

### *Unpaid Leave of Absence*

- (1) Upon exhaustion of all accrued paid leave time, any request for unpaid leave shall be submitted to the employee's supervisor and the mayor. The mayor and supervisor will decide whether to grant the unpaid leave request and other terms of the leave depending upon the reasons for the requested leave and the needs of the department and the city.
- (2) If granted an unpaid leave of absence, an employee will not be compensated and will not receive any other employee benefits. As such, the employee must make an election as to COBRA for group health care for the employee, as well as any qualified dependents. In addition, the employee will be subject to the terms and conditions of the specific plan, to continue any optional benefits, upon prepayment by the employee of the applicable contribution or premium during the period of the absence. Any failure by the employee to prepay any optional benefits may result in termination of the benefit.
- (3) Employees on unpaid leave will not accrue any vacation or sick leave time during the unpaid absence.

### *Jury Duty and Court-Ordered Appearances*

- (1) The city encourages employees to fulfill their obligation as citizens when called to serve jury duty or to comply with a court or administrative subpoena. An employee that is required to attend jury duty or comply with a court or administrative subpoena during their regular working hours at the city shall be paid their full salary for the period of such service.
- (2) An employee involved in litigation or court proceedings as a plaintiff or petitioner and who is not appearing before the court because of a duly issued subpoena shall not be eligible for the paid leave provided under the provisions of this policy but may be permitted to use annual or compensatory leave time for such absences as provided in Section 8 of this Handbook.
- (3) The employee must provide a copy of the summons or subpoena to their immediate supervisor as soon as possible after receiving such notice.
- (4) The employee shall submit an Absentee Request (HR Form Seven) in accordance with Section 8 of this Handbook showing the dates and times out of the office necessitated by the employee's service required by the court.
- (5) Any employee excused by the court during their normal working hours shall contact their immediate supervisor to determine if they will be required to work the remainder of their normal work schedule.

### *Voting Leave*

- (1) The city encourages its employees to vote on Election Day. To facilitate efficient scheduling and management of the office workload, an employee shall request voting leave from the employee's supervisor at least one day in advance of the election date, or one day in advance of the date on which the employee appears before the county clerk to request an application for or to execute an absentee ballot.
- (2) The supervisor shall grant a reasonable period of voting leave (not less than four hours, if specifically requested by the employee) for an employee who is qualified to vote and who has requested voting leave in accordance with this policy. The city will compensate the employee for the leave. The supervisor shall specify the hours during which the employee may be absent.
- (3) Prior to using voting leave, the employee shall submit an Absentee Request (HR Form Seven) in accordance with Section 8 of this Handbook showing the times the employee has been approved to be out of the office for voting leave.
- (4) An employee who requests and takes voting leave, but who fails to vote without an acceptable reason, shall be subject to disciplinary action.

### *Military Leave*

- (1) The city will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the provisions of KRS 61.373 through 61.377 and KRS 61.394. USERRA grants military leave for employees, and in most cases, reinstatement rights regardless of whether the service is voluntary or involuntary.
- (2) As the laws change, or as interpretations of the laws change, military leave benefits for city employees may change accordingly. No attempt is made by this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, an employee should consult with their immediate supervisor or the city clerk for details regarding their military leave rights as a city employee.
- (3) Unless precluded by military necessity, an employee shall provide written notice to their immediate supervisor as soon as possible regarding the need for military leave.

- (4) In any one federal fiscal year (October 1-September 30), all full-time and part-time employees involved in military service for the United States, or the Commonwealth of Kentucky are eligible, upon request of the employee, to be paid their normal wages for a maximum of 21 calendar days while on military leave. Employees will only be paid based on the days they would have been scheduled to work if not for military leave. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two years after it has accrued.
- (5) An employee shall be entitled to military leave without loss of time, pay, regular leave, impairment of efficiency rating, or any other employment rights or benefits to which the employee is entitled, while:
  - a. In the performance of duty or training in the service of a state or of the United States under competent orders as specified in this section;
  - b. Physically disabled as a result of an injury, illness, or disease incurred or aggravated in the line of duty while performing active-duty or inactive-duty training; or
  - c. Entitled to incapacitation pay pursuant to 37 U.S.C. sec. 204.
  - d. Leave pursuant to paragraphs (b) and (c) of paragraph (5) shall not exceed six months unless approved by the employee's appointing authority.
- (6) During periods of military leave of two years or less, the employee shall be paid a salary to supplement military compensation, so that the aggregate compensation received by the employee shall be no less than the employee's normal compensation for the period of military leave.
- (7) Employees called to active duty should fill out the Active-Duty Military Leave Notification (HR Form Eighteen) as soon as practicable.

***Absentee Requests***

- (1) The Absentee Request (HR Form ) is available to employees from the city clerk and in the appendix to this Handbook. When this form is submitted by the employee, the form will be sent directly to the employee's immediate supervisor, who will be responsible for exercising managerial discretion in deciding whether to approve or deny the leave request.
- (2) Employees are required to submit an Absentee Request (HR Form ) whenever any type of leave is requested or taken as outlined in the policies contained in this Handbook. The employee is required to provide the date and time of the leave. Employees are permitted to use any type of leave time in 15-minute increments.
- (3) Whenever possible, employees are required to submit an Absentee Request Form before the leave is taken. If it is impossible or impractical for the employee to submit an Absentee Request Form prior to taking the leave, the employee shall submit the form immediately upon return to work. Any employee who takes leave time and fails to submit an Absentee Request Form shall be subject to disciplinary action.

Section 3: This ordinance also adopts all the Human Relations forms, Appendixes and Policies referenced in the text of the employee manual ordinance.

Section 4: This ordinance shall take effect immediately upon its adoption, passage, and publication.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passed and approved this the 8<sup>th</sup> day of June, 2023.



Mayor J. Byron Chapman

ATTEST:



Clerk Marianne Butler

Oliver yes Hayden yes  
Stigers yes Wolf yes  
Chapman yes

