

CITY OF STATHAM

Personnel Policy Handbook

Developed under the authority of the Mayor and City Council. Revised and Approved on November 15, 2016.

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Employee Acknowledgment Form

This Personnel Handbook describes the policies and procedures at the City of Statham, Georgia and I understand that I should consult the City Clerk regarding any questions not answered in the Personnel Handbook. I acknowledge that I am an employee at-will and have entered into my employment with the City of Statham voluntarily and acknowledge that there is no specified length of employment. Any employment agreement that would alter my status as an employee at-will must be specified and executed in writing by the City Administrator and myself, and approved by the Mayor and City Council. No other agreements will be enforceable or change my status as an employee at-will.

This Personnel Handbook replaces and supersedes any earlier personnel practice, policy, or guideline. However, since the policies and procedures described within this handbook are subject to change from time to time, I acknowledge that revisions may occur. I understand that such changes may supersede, modify, or revoke existing policies.

Furthermore, I acknowledge that the Personnel Handbook is neither a contract of employment nor a legal document. I have received a copy of the City of Statham Personnel Handbook and I understand that it is my responsibility to read and comply with the policies contained in the manual and any revisions made to it.

Employee Name: _____

Employee Signature: _____

Date: _____

ADMINISTRATION

PERSONNEL ADMINISTRATION

Authority

General

With the exception of matters reserved by state law or the City Charter to the Mayor and City Council, the general and final authority for personnel administration rests with the Mayor and is delegated to the City Administrator. This Personnel Handbook provides statements of policy and establishes required procedure relating to personnel administration that are necessary to effectively and efficiently manage City operations.

Scope of Authority

The City Administrator has been granted the authority to administer City operations. At any time the City does not have a person serving in the role of the City Administrator, the duties and responsibilities of the City Administrator under this policy shall lie with the Mayor. The City Administrator's authority includes, but is not limited to:

1. Discipline, the authority to recommend discharge, or to recommend the release of employees pursuant to the procedures described in this handbook;
2. Direct the work forces;
3. Assign or transfer employees;
4. Determine the mission of City departments;
5. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;
6. Introduce new or improved methods or facilities or change such methods or facilities;
7. Determine reasonable work schedules and establish the methods and processes by which such work is performed;

8. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
9. Determine position availability by:
 - A. Authorizing lateral assignments;
 - B. Freezing, hiring, and promoting;
 - C. Authorizing delay in position uses due to budget, facilities, or other business necessity;
 - D. Authorizing temporary assignment into a vacancy.
10. Delete positions, reclassify positions, and/or reassign employees to different positions with different classifications and pay as required by business necessity.

Delegated Authority

The City Administrator may delegate authority to Department Heads in the following areas:

1. Discipline of employees pursuant to the procedures described in this handbook;
2. Direct the work forces;
3. Recommend the mission of specific departments;
4. Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
5. Introduce new or improved methods or facilities or change such methods or facilities;
6. Recommend work schedules and establish the methods and processes by which such work is performed;
7. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
8. Recommend positions, reclassify positions, and/or the reassignment of employees to different positions with different classifications and/or pay; and
9. Fiscal responsibility of the department.

Administration of Policy

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this Handbook create high standards of conduct so that training and performance can be aimed at the highest levels and may in appropriate cases, be the basis for internal discipline. This handbook provides general information about city policies, procedures, expectations, and benefits. The information in this handbook, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Handbook may not cover all situations.

The City Administrator shall make interpretive decisions for those situations that are not specifically covered by this handbook and may, in the best interest of City operations, override any provision in this handbook.

The intent of this personnel policy handbook is compliance with all applicable federal and state law. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall supersede the policies contained within this handbook.

Departmental Operating Rules

Departmental operating rules and regulations related to employment matters, not in conflict with this Handbook, may be used and/or established by the Department Head. All such departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the City Clerk within ten (10) days of their adoption by the City for maintenance of the human resources function. To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

Revisions to Handbook

This Handbook may be amended in whole or in part from time to time at the sole discretion of the City in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be available to all employees upon adoption.

Personnel Records

A record of service will be managed by the City Clerk for every active employee. Service records for terminated employees shall be retained as required under all applicable record

retention laws. An employee has the right to review and request copies of their personnel file. These requests will be facilitated by the City Clerk. Open records requests and confidentiality of personnel records will be managed as defined in the City's policies and the Georgia Open Records Act.

It is the responsibility of the employee to notify the City of any personal data changes, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require legal documents as back-up, i.e. marriage certificate, divorce decree, etc.

PERSONNEL HANDBOOK

Scope

The provisions of this Handbook apply to all employees of the City of Statham, Georgia, both on and off duty, unless otherwise indicated, restricted by authority, or limited by law.

Not a Contract

This handbook does not constitute a contract of employment or benefits. Nothing in this handbook should be construed as a guarantee of continued benefits from, or employment by, the City of Statham. All employees are subject to discharge with or without cause.

Changes

The City Administrator reserves the authority to recommend, modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this handbook. Except in the case of emergency, employees will be given appropriate notice of any change.

Titles/Headings

The use of titles or headings in this Handbook shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Validity/Severability

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

Distribution

Every city employee will have access to a copy of this handbook and copies of amendments and revisions as they are adopted.

Compliance

All provisions of this Handbook are applicable to regular full-time, part-time, seasonal, and temporary employees, except where otherwise noted in the Handbook.

Official Copy

An official copy of the City of Statham, Georgia Personnel Handbook containing the latest revisions is maintained by the City Clerk and can be found in the offices of such department.

Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings, unless a different meaning is required by the context.

Days

Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

Demotion

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions may be to one or more grade levels lower than the current employee status.

Department

The recognized departments for the City of Statham:

- Mayor & Council
- Building Department
- City Administrator’s Office

- City Clerk
- City Hall
- Municipal Court
- Police Department
- Street Department
- Water Department

Department Head

The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank.

Employee

- **Regular Full-time Employee:** Any employee filling an approved budgeted position with a regularly scheduled workweek of more than thirty (30) hours per week.
- **Regular Part-time Employee:** Any employee filling an approved budgeted position with a regularly scheduled workweek of thirty (30) hours or less per week.
- **Police Shift Employee:** Those employees designated as police protection personnel and assigned to a shift other than the regular workweek.
- **Temporary Employee:** Any employee filling a position for a specified length of time, for either long or short term work assignments.

Exempt Employee

An employee defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions but exempt from minimum wage and overtime pay provisions. Exempt employee's compensation is based on an annual salary basis and there is no compensation for hours worked in excess of the defined workweek.

Health Impairment

A temporary or permanent mental or physical impairment including, but not limited to injury (on or off the job), illness, or other job-restricting impairment, which diminishes or precludes one's capacity for, or renders one unfit for performance of the essential job functions of the position.

Non-Exempt Employee

An employee defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions. For regular employees, hours worked in excess of the 40-hour workweek will be paid at a rate of 1½ times the employee's regular rate of pay. For police shift employees, hours worked in excess of the 85.5-hour bi-weekly work period will be paid at a rate of 1½ times the employee's regular rate of pay. Non-exempt employees take vacation and sick leave hours in quarter hours increments.

On-the-job Injury

An injury arising out of employment or sustained in the course of employment.

Overtime Rate

The overtime rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

Promotion

A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

Reassignment

Reassignment is defined as the movement of an employee within the classification plan not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

Reclassification

A position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.

Relative

For purposes of this handbook, relatives are defined as follows:

- Spouse
- Parent or Step-parent
- Parent-in-law
- Child or Step-child
- Sister or Step-sister
- Brother or Step-brother
- Sister-in-law
- Brother-in-law
- Grandparent and Grandparent-in-law
- Grandchildren

Supervisor

The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of City government. Department Heads, the Chief of Police, and the City Clerk should be understood to be supervisors of individuals who report directly to them.

Unauthorized Absence

Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

ATTENDANCE & WORK HOURS

Policy Statement

In order to maintain a high level of responsiveness to the City of Statham citizenry, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

General Provisions

General Business Hours

All offices of the City will be kept open continuously from 8:00 a.m. to 5:00 p.m. Monday through Friday. Unless otherwise approved by the City Administrator, the regular workweek is from 8 a.m. to 5 p.m. The Statham Police Department schedule is to be set by the Chief of Police.

Hours Worked

Except as otherwise noted below, authorized paid leave is considered hours worked.

1. Vacation and sick leave hours are not considered hours worked for the purpose of determining overtime eligibility.

Attendance Requirements

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service, and excessive amounts of time off the job, regardless of reason. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned their position, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

Additional Work

All employees are required to work in excess of their official hours when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to perform the duties. Excess hours may be required or granted for a specific period of time or on a regular basis as operating circumstances warrant. Additional work by non-exempt employees must be approved in advance by the employee's supervisor. This includes, but is not limited to, work before or after regular work hours or work taken home.

Time Increments

Hourly computations for the purpose of compensation and the use of vacation and sick leave will be computed in quarter hour increments for non-exempt employees.

Meal Breaks

Mealtime should be at least thirty (30) minutes in length but shall not exceed one (1) hour. Other rest periods of short duration during the day should not be disruptive to operations and should not exceed a total of fifteen (15) minutes in length and be approved by the employee's supervisor. In compliance with the Fair Labor Standards Act, mealtime during a shift or tour of duty is not considered compensable time, unless the employee is required to perform work related duties during the mealtime.

Alternative Work Schedules

General Provisions

Subject to operational requirements, regular full-time employees may be permitted to work an alternative work schedule that allows the employee to work outside the normal work hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Approval Process

Any change in an employee's work schedule must be agreed to in writing by the Department Head and the employee prior to implementation. In addition, the City Administrator and the City Clerk must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or city policy.

Restrictions

- The City may cancel or suspend an employee's alternative work schedule privileges at any time, for any or no reason.
- Daily and weekly work schedules can be modified at the City's discretion to meet changing operational needs.
- Approval of an alternate work schedule does not restrict employees from working more than their scheduled work hours.
- Employees can be required to depart from their alternate work schedule as necessary, to work additional hours, to attend training, or for other business purposes as determined by the City.
- No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

EMPLOYEE STATUS CHANGES

Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this chapter is to identify and describe the more common of these changes.

General Provisions

Requirement

All promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds in the discretion of the Mayor and City Administrator.

Probation Period Requirements

1. Original Probation Period

Newly hired employees are subject to a six (6) month probationary period in the position to which they are hired (the "Original Probation Period").

2. Position Probation Period

Employees who are promoted or demoted are subject to a six (6) month probationary period in the new position (the "Position Probation Period"). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

3. Extension of Probation

The probationary period may be extended one time for a period not to exceed three months by the Department Head with notice to the City Administrator.

Probation Period Restrictions

Except as the result of disciplinary action or business necessity, no status change described in this Handbook may occur while an employee is in a probationary period.

Compensation

Status changes described in this Handbook may affect compensation, based on position classification and availability of funds.

Effective Dates

Except for temporary reassignments in emergency situations, status changes described in this Handbook can only be effective at the beginning of a pay period.

Promotions and Demotions

A. Eligibility for Promotion

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance.

B. Reasons for Demotion

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, disciplinary action, job elimination due to business necessity or accommodation.

Reassignment

A. Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities. This action may be taken at the discretion of department head.

B. Temporary Reassignment to Higher Classification

Employees may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

- An existing position is vacant or the incumbent is or will be absent from work for at least thirty (30) days.
- Operational effectiveness precludes dispersing the duties of the position among other equally classified employees.
- The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher level position, and
- The City Administrator or their designee approves the temporary acting status in writing prior to the reassignment.
- A PAF (Personnel Action Form) must be generated to reflect all changes.

C. Employee-Sought Reassignment

- D. Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the City Administrator determines that it is not in the best interest of City operations.

Management Reclassification

General Overview

Reclassification of a position may occur at the request of a Department Head and upon approval of the City Administrator when the job duties actually performed and the minimum qualifications of the position have significantly changed since the job description was written. Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given advanced written notice of the reclassification by the Department Head.

Approval

All requests for reclassifications should be submitted to the City Clerk, who will review and make a recommendation to the City Administrator for approval

Nepotism & Conflicts of Interest

When relatives, as defined earlier in the definition section, work within the same department or in positions where job responsibilities of one relative can influence the job duties and responsibilities of relatives, potential conflicts of interest can arise. In order to prevent these conflicts, the city prohibits two (2) or more relatives to be employed within the same department or in positions where job responsibilities of one relative can influence the job duties and responsibilities of relatives.

Options

- Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
- Involuntary reassignment to an available position of equivalent status/grade.
- Resignation or dismissal from City service.

Non-Fraternization

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a manager desire to date or become involved with a direct report employee, the manager should first resign from their position with the City.

Should two employees within the same department but not in a direct reporting relationship desire to become involved in a romantic relationship, they should disclose the relationship to the Department Head who shall then make a decision regarding the effect of the relationship on work product and work flow within the department. If in the judgment of the Department Head, the relationship between two employees within the department creates a negative effect on departmental operations, then one of the two will be asked to transfer or resign their position with the City.

By its prohibition of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment.

HIRING AND SELECTION

Policy Statement

The City is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity for all employment to all applicants and employees.

City Administrator authorization is required to initiate any action for an open position including any recruitment efforts, advertising, or interviewing, and approval is required to extend any offers of employment to any perspective candidate.

General Provisions

Equal Employment Opportunity

The City of Statham provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or status as covered veterans in accordance with applicable federal, state and local laws. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, termination, reduction in force, recall, transfers, leaves of absence, compensation and training.

The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is City of Statham's policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of Statham will provide reasonable accommodations to both employees and members of the public, if so requested.

Minimum Age

Eighteen years of age is the minimum age of employment for the City with the following exceptions:

- The minimum age for certified police uniformed services is age 21.
- Selected temporary positions where persons are at least age 16 and are allowed by law to work in jobs that are non-hazardous.

Application Process

A. Recruitment Requests

Upon a vacancy, the Department Head should notify the City Clerk. The City Clerk will obtain authorization from the City Administrator for an advertisement to be published. An advertisement for every vacancy stating the position, the minimum training requirements, the salary range, how to apply, and the closing deadline for application submission. This notice will be published for a minimum of fourteen (14) calendar days. At the recommendation of the department head and with the approval of the City Administrator, an attempt at internal recruiting may be the initial course of action, in which case the advertising period may be altered.

B. Forms and Submission

All candidates for a position, whether or not currently employed by the city, must complete a new employment application, resume or letter of interest and file it with the City Clerk for each vacancy of interest. Additional information outside the initial employment application may be required from candidates.

C. Examinations

As determined by the Department Head and under the review and management of the City Clerk, the selection process may include,

but not necessarily be limited to, one or more of the following: Oral interviews, evaluation of experience and training, written basic skills test, physical ability skills test, driver history, criminal history, truth verification testing, psychological testing, and reference and background checks.

D. Falsified or Omitted Material

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Disciplinary action may be taken against a current employee for an omission or falsification, up to and including termination regardless of when the omission or falsification is discovered.

Selection

Job-Related Criteria

Selection for employment with the City of Statham is based on job-related criteria that may include, but is not limited to:

- Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications and experience required for the position.
- Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
- Satisfactory results on criminal history, driving record, employment and education reference checks.

Nepotism

All provisions of the nepotism policy in this Handbook will be adhered to during the selection process. For further information, please refer to the nepotism policy.

Position Control

It is the responsibility of the City Clerk to maintain a citywide position control in order to track authorized positions and the status thereof. The position control shall be the document of authority for determining the availability of positions for recruitment.

Eligibility Registers

To the extent that the examination process adopted by the City Clerk, for a particular position provides for the creation of a listing of participants who met certain minimum standards for performance so as to be eligible for employment, this listing shall be known as an Eligibility Register. Any examination process that results in the creation of an Eligibility Register shall specifically state in writing the method by which offers for employment will be extended to individuals appearing on the Eligibility Register and shall so notify all participants in the examination process. In any event, and under any examination process resulting in the creation of an Eligibility Register, an individual's existence on an Eligibility Register does not constitute an offer for employment or any guarantee of future employment.

Therefore, an individual shall have no expectation of employment based upon appearance on an Eligibility Register. To the extent that the examination process adopted for a particular position utilizes an Eligibility Register and specifically provides for future hiring based upon the Eligibility Register, any individual who is extended an offer of employment based upon appearance on that Eligibility Register more than sixty (60) days after the completion of the examination, shall be subject to submitting updated information, including re-submitting to the applicable background checks, drug tests, and medical exams. The subsequent submittal of updated information may result in an applicant being denied employment.

Re-Employment

To be considered for re-employment, former employees must have demonstrated acceptable prior service with the City and must meet the current minimum qualifications for the position for which they are applying. Re-hired employees are subject to the conditions of employment and benefits of a newly hired employee, except in the case of vacation leave where previous years of service for the city are credited as specified below in this Handbook.

Probationary Period

Application

It is the purpose of the probationary period to provide a time by which both employee and employer can decide whether to continue employment. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

- Original Probation Period

Newly hired employees are subject to a six (6) month probationary period in the position to which they are hired (the “Original Probation Period”).

- Position Probation Period

Employees who are promoted, demoted, reassigned or transferred are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

Extension

The probationary period may be extended one time for a period not to exceed three months by the Department Head with notice to the City Clerk. The employee must be notified in writing of their probationary status being extended at least two weeks prior to the expiration of the probation period.

No Status Change

Employees in a probationary status are not eligible for reassignment, promotions or voluntary transfer, unless specifically approved by the City Administrator.

Appeal Rights

Employees in a probationary status do not have grievance or appeal rights to disciplinary action.

Employees who are in probationary status due to a promotion will maintain their appeal rights except for any grievance or disciplinary action that is directly related to the promotion.

Dismissal

Dismissal of an employee during the probationary period should be coordinated with the City Clerk and subject to review by the City Attorney. Newly hired employees terminated while on probation will not be compensated for any accrued vacation leave.

Contract Employment

General Overview

Personnel from temporary employment agencies or contract employees outside an agency may be utilized from time to time by the City to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel. For performance purposes, contract personnel assigned a City project will be supervised by the Department Head or designee. Contract employees are not eligible to receive City benefits. Contract employees outside an agency must supply their own equipment, manage their own schedule and are responsible for their own payroll tax payment and filing. Contract employees are subject to the City of Statham Drug and Alcohol Policy.

Requests for Contract Employment

Requests for contract personnel must be placed through the City Clerk and will be reviewed by both the City Clerk and City Administrator and are subject to the availability of funds. The City Clerk and City Administrator must approve temporary assignments prior to the engagement of the contract service. The City Clerk will keep a list of approved temporary agencies and will coordinate the assignment once approval has been issued.

Other Employment

General Overview

The City recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, their City job is the primary employment responsibility for full-time employees. Working extended hours while at a secondary job may adversely affect the health, endurance, and productivity of employees. The City does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the City. Outside employment also presents the opportunity for conflicts of interest.

Outside Employment

Outside employment is subject to written approval by the Mayor or City Administrator. A City employee may engage in any business, trade, occupation, or profession that does not:

- Bring the City into disrepute;
- Reflect discredit upon the employee as an employee of the City;
- Interfere with the performance of the employee's City duties;
- Present a conflict of interest;
- Result in misuse of City property or funds;
- Result in use of the City position for unethical/or illegal personal gain;
- Violate department policy or procedure; or
- Decrease the health or endurance of employees or adversely affect their productivity.

Dual City Employment & Volunteer Time

Employees may not hold more than one compensated position with the City.

Prohibitions

- Department Heads are prohibited in engaging in any form of outside employment without the specific approval by the City Administrator.
- No employee shall engage in any employment or business where the work presents a conflict of interest.
- No employee shall engage in any employment or business where the work of the secondary employer has been in the last twelve (12) months or is currently the subject of an investigation by the employee's City department.
- With the exception of vacation leave, if you are on leave of any other type, you are not able to work an off duty job.
- No employees shall engage in any private business or activity while on duty.

Approval

An employee must obtain permission in writing from the Mayor and City Administrator before accepting any other employment or engaging in any other business. The prescribed form should be used for permission as it gathers the pertinent information for review of the request.

- An employee must obtain permission in writing from the Mayor and the City Administrator before accepting an assignment as a volunteer for the City.
- Permission granted is subject to revocation in the event of a subsequent unknown or occurring conflict with this policy.

PERFORMANCE MANAGEMENT AND REVIEW

Policy Statement

The job performance of all employees will be reviewed periodically to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified. A periodic formal performance review is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated in a fair and consistent manner;
6. Have performance goals established.

General Provisions

Timing

The performance of employees will be reviewed and documented:

1. Prior to completion of any probationary period.
2. At least annually for all full-time employees.
3. In a timely manner that will coordinate with the fiscal year if evaluations are tied to pay.

Performance Discussion

Interim reviews by the supervisor of an informal nature throughout the year are encouraged. The purpose is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

Review Process

Review Discussion Content

Together the supervisor and employee will discuss the employee's performance during the review period and plan for the next review period. The contents of the review should:

1. Identify the principal duties of the job and measured results of those duties during the review period;
2. Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
3. Define the results that recognize significant work or projects during the review period;
4. Identify and address areas of employee development needs;
5. Develop an action plan for training to improve or add skills;
6. Set goals and objectives for the upcoming fiscal year; and
7. Offer advice on career advancement, specialization and training.

Documentation

The supervisor will document the employee's evaluation and any agreed upon plans on the prescribed forms. Subsequent to the review with the employees, both the evaluator and employee should sign the form.

Appeal of Performance Review

If an employee disagrees with the supervisor's assessment of their performance, the employee may write a letter of explanation stating their concerns with the evaluation. Any submittals from an employee on their performance evaluation will be included in their file.

TERMINATION OF EMPLOYEE STATUS

Policy Statement

Employees leave the City of Statham workforce under various conditions that include retirement, voluntary separation, dismissal, or reductions in force. Regardless of reason, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's terminal pay and disciplinary action appeals. Employees should make themselves aware of these procedures.

Resignation or Retirement

Resignation

An employee is encouraged to submit a resignation to his/her Department Head at least two (2) weeks prior to the effective date of the resignation. The resignation notice should indicate the last working day or shift with the City of Statham. An employee may be permitted or requested to leave immediately. Employees will not be allowed to use vacation during the notice period unless it was scheduled prior to giving notice.

Retirement

An employee must give written notice of intent to retire to his/her Department Head as soon as possible, but no less than thirty (30) calendar days prior to the intended retirement date. This notice is required in order to facilitate timely processing of retirement benefits. The retirement notice should indicate the last working day or shift with the City of Statham. In the case of disability, application of disability retirement satisfies the notice requirement.

Process of Exit

After receiving written notice of voluntary resignation or retirement, the Department Head shall notify the City Clerk. Employees who leave the City's workforce will be paid for accrued vacation leave hours, provided they have completed their initial probationary period. All city property assigned to the employee is considered an advance of wages and must be returned in proper working condition before receiving the final pay check. Unreturned items will be deducted from the final payout to the extent allowed by law.

Pending Disciplinary Action

An employee whose resignation or retirement notice is tendered and accepted after the initiation of a disciplinary action forfeits their right to appeal the disciplinary action.

Involuntary Termination

Employees who are involuntarily terminated from the City will receive a written statement citing the reasons for the dismissal, the date of the dismissal, and appropriate notification for benefits.

Lay-Off

Statement of Policy

Lay-off is defined as a reduction in force that may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit of the Department. No lay-offs shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Section. The lay-off does not reflect discredit upon the service of the employee.

Procedures

A lay-off can be recommended by the Mayor, City Council, the City Administrator, and/or the City Clerk. Any lay-off must be approved by the Mayor prior to becoming effective.

Prior to the lay-off the City Administrator shall consider work records, employee evaluation ratings, and length of service in determining which employees shall be laid-off. If it is found that two or more persons in the Department in which the lay-off is to be made have equal ratings as determined by review of employee records and evaluation ratings, the order of lay-off shall be based upon seniority. No full-time employee shall be laid-off while another person is employed on a temporary or part-time basis in a position within the same job description if the employee is willing to accept the temporary or part-time work. In evaluating employees for purposes of a lay-off, care should be taken to accurately evaluate all employees. An employee shall not be laid-off based on race, color, creed, religion, sex, national origin, age, political affiliation, disability, or any other category protected by federal and/or State law.

Lateral Transfers or Demotions to Preserve Employment

Prior to lay-off and in an effort to avoid separation of employment, the City Clerk may direct Lateral Transfers or Demotions as necessary to place employees into positions for which they are qualified rather than lay them off. Lateral Transfers or Demotions in accordance with this Section will be effective unless the employee elects in writing to be laid off. Written notice of said election from the employee must be received by the City Clerk within three (3) working days after the employee has received notice of the Lateral Transfer or Demotion.

Lay-Off Register

The City Clerk shall prepare a register of employees who have been laid-off to be utilized as provided in this Section. The order of names appearing on this register will be based upon the order of the lay-off and when there is a tie, then seniority will be the determining factor. The names of the employees shall remain on the lay-off register for a period of one (1) year, unless the life of the register is extended an additional year by the City Clerk in his/her sole discretion. During the life of the lay-off register, an employee may submit a written request to have his/her name removed from the list. Employees whose names appear on the lay-off register shall be given primary consideration when conditions warrant rehiring. "Primary consideration" shall mean that the employee does not have to go through the recruiting process, but that the City will notify the employees who appear on the lay-off register when there is an opportunity to fill a position that the laid-off employee previously held or a comparable position, either full-time or part-time; provided the employee meets the minimum qualifications for the position. In any event, employees whose names appear on the lay-off register are welcome to apply for other positions with the City at any time. If an employee is hired for another position in the City during the life of the lay-off register, the employee's name shall be removed from the lay-off register and no other special consideration shall be given to the employee.

USE OF CITY PROPERTY & EQUIPMENT

Policy Statement

The City of Statham is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of city business. The appropriate use of facilities, vehicles, equipment, and other items of city property is expected from employees. Additionally, this policy governs the use of the City's computer and electronic communications system, which includes telephone, voice mail, fax machines, Internet, electronic mail (e-mail), wireless internet connections and other computer usage.

General Provisions

Use of Equipment

All facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including without limitation, the telephone, computer, and electronic communications system, is the property of the City of Statham government and may only be used for approved purposes (collectively the "Property").

Privacy

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and electronic communication system, including, but not limited to, the e-mail and voice mail messages they create, store, send and receive, and the Internet sites they visit.

Inspection of Property

Employees may be assigned and/or authorized the use of City-owned vehicles, lockers, desks, cabinets, computers, etc. for the convenience of the City and its employees. Management reserves the right to search city property assigned to employees and documents in employee desks, lockers, file cabinets, etc. The City has the right to monitor any and all aspects of its computer and electronic communication system, including, but not limited to, monitoring sites visited by users on the Internet, reviewing material

downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users. Such monitoring may be conducted without prior notice. Use of the City's property automatically constitutes consent to such monitoring.

Proper Authorization

An employee shall not, regardless of value, take City Property without authorization. The use of City Property for personal gain or for other than official duty-related use is forbidden.

Discipline

Repayment for loss or damage may be required under this Chapter in addition to, or in lieu of, disciplinary action. Required repayment under this Chapter will be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

Vehicle Use & Operation

Business Use

Except as specified in this Handbook, City vehicles are furnished for official City business and may not be used for personal reasons without express written consent by the Mayor. Employees with take home privileges may make short stops that do not deviate from their normal route during their commute.

Vehicle Assignment

Employees assigned a city vehicle may be authorized to use the vehicle for transportation to and from work. This "take home" provision, if granted, shall only apply to employees living within a 25-mile radius of the city limits (the Chief of Police is exempt from this mileage restriction). If take home status is granted, no personal use of the vehicle is permitted after the commute is complete. No passengers may be transported in take home vehicles unless they are connected to city business or unless authorized by City Administrator or in the case of an emergency as approved by the department head. Employees who are assigned a city vehicle are responsible for ensuring the preventative maintenance and repair schedule is met on the vehicle. Failure to ensure proper repair and maintenance may result in the revocation of the assignment. All vehicle assignments are subject to recall at any time.

Electronic Communication Systems

General Provisions

“Electronic Communication Systems” is defined as Internet, electronic mail, telephone, voice mail, facsimiles, pagers, mobile phones, portable radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Electronic Communication Systems. All data, including e-mail messages composed, sent and received are the property of the City of Statham.

Professionalism

At all times, users have the responsibility to use Electronic Communication Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communication Systems may be reviewed by others and the quality of communications is a direct reflection upon the City.

Appropriate Use

Personal use of the Electronic Communication Systems is a privilege that may be revoked at any time. Occasional, limited, and appropriate personal use of the Electronic Communication Systems is permitted if the use does not:

- Interfere with the user’s work performance;
- Interfere with any other user’s work performance;
- Compromise the integrity of the Electronic Communication Systems; or
- Violate any other provision of this policy or any other policy, guideline, or standard of the City of Statham.

Inappropriate Use

Under no circumstances should the Electronic Communication Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or in the City's sole opinion otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor and City Administrator. Exceptions are limited to police investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. This is permissible with the prior approval of the Chief of Police. Other prohibited uses of the Electronic Communication Systems, include, but are not limited to:

- Sending chain letters;
- Sending copies of documents, messages, software, or other materials in violation of copyright laws;
- Compromising the integrity of the City and its business in any way; and
- Use of City computers, Internet connections, or networks to access personal social media accounts, to access games or gaming sites, or any other non-work related computer activities.

Misuse of Software

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to the City Administrator. Files obtained from sources outside the City include files downloaded from the Internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-City sources without first scanning the material with City-approved virus checking software. If a user suspects that a virus has been introduced into the City's network, they should notify the City Administrator immediately. Without prior written authorization from the City Administrator, users may not do any of the following:

- Copy software for use on their home computers or to other computers;
- Provide copies of software to any independent contractors of the City or to any third person;
- Install software on any of the City's workstations or servers;
- Download any software from the Internet or other online service to any of the City's workstations or servers
- Modify, revise, transform, recast, or adapt any software; and
- Reverse-engineer, disassemble, or decompile any software

Passwords

Authorized users will be given a login name that allows access to the network. The user will have a personalized password, which should be obscure in nature and not divulged to others, however, passwords shall be provided to the City Administrator to aid in facilitating normal business operations and investigations. Any user with knowledge of any password not their own shall report it to their supervisor immediately. No employee shall attempt any unauthorized access to the system.

SOCIAL NETWORKING

Purpose

Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Twitter, etc.) this policy establishes prudent and acceptable practices regarding usage of social networking by City of Statham officials and employees.

While the City of Statham encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the City among its citizens or in the community. For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, both on and off duty.

Under this policy, the City disavows, and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the City Administrator or designee. If City personnel post data purporting to be on behalf of the City while using a social media site without the approval of the City Administrator or designee, the City is not responsible for that content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or other City management, and the City is not responsible for archiving such content in accordance with applicable records retention schedules, or providing copies in accordance with the Georgia Open Records Act. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If you are uncertain as to the propriety of a post, opinion or other content, consult your department head before proceeding.

General Guidelines

- While on duty, the use of City equipment or internet service by personnel must be limited to work related tasks. Social media activities should never interfere with work commitments.
- No personnel may post online content as a representative of the City, or on the City's behalf without the City Administrator's approval.

- If discussing City related issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City by displaying a disclaimer that states: "This is my own opinion and not necessarily an opinion or position held by the City of Statham, the Mayor or the City Council."
- Employees who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the City, our employees or themselves.

Guidelines for Official City Social Media Sites and Content

All City-sanctioned social media sites shall be maintained by the City Administrator or his/her designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Administrator or designee before it is posted.

All personnel that engage in social media activities on the City's behalf and all City-sanctioned social media sites shall adhere to applicable federal, state and local laws, regulations and policies, including the Georgia Open Records Act and the records retention schedules issued by the Georgia Archives. All content must be managed, stored and retrieved to comply with these laws.

All online content posted as representative of the City, or on the City's behalf shall clearly indicate that it is subject to the records retention schedules issued by the Georgia Archives and public disclosure pursuant to the Georgia Open Records Act. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to the aforementioned records retention schedules and public disclosure. Note, for purposes of this Policy each individual posting does not need the aforementioned disclaimer when such disclaimer is clearly posted on a social network site that contains the disclaimer in a readily accessible area of the site.

Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following shall not be allowed:

- Comments not topically related to the particular site or blog article being commented upon;
- Profane language or content;

- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems; or
- Content that violates a legal ownership interest of any other party.

Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Administrator because it violates criteria in the preceding item (Item 4, above) of this Policy, shall be retained pursuant to the applicable records retention schedules along with a description of the reason the specific content is deemed unsuitable for posting. Where hyperlinks are used on a City-sanctioned social media site, the site shall include a disclaimer which states: "The City does not guarantee the authenticity, accuracy, appropriateness or security of the link, website, or content linked hereto".

SAFETY & ACCIDENT REPORTING

Policy Statement

The City of Statham is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting where possible, the underlying causes of accidents and unsafe conditions.

General Provisions

Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

- Report all accidents to their supervisor immediately;
- Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
- Attend scheduled safety meetings and activities;
- In the event of an injury resulting in lost work time, continued contact with the supervisor is required for the purpose of keeping records on the expected return to work status.

Equipment Repair

Employees have a responsibility to report the need for repairs of any City-owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned or leased Property without the permission of the Department Head.

Personal Protective Equipment

The City will provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted and employees are expected to comply with such direction.

Operation of Vehicles

Vehicle Operator Qualifications

In order to operate a city-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid Georgia Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows employee to legally operate a city vehicle on Georgia roads;
3. Have a record of no more than two moving citations or one moving citation and one chargeable accident within a twenty-four (24) month period;
 - The City Administrator or their designee will make the sole determination of whether the accident was chargeable in nature.
 - Employees whose primary duty is to drive a city vehicle that do not have an acceptable driving history must be relieved of such duties and assigned to non-driving positions or non-driving duties until their 24-month record reflects and acceptable driving history. If a non-driving position is not available, the employee may be terminated.
4. Be otherwise qualified under federal and state regulations to drive the vehicle in question; and
5. Be trained and authorized to operate the vehicle.

Annual License Review

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate city vehicles will be examined on an annual basis or as needed, as determined by the City Administrator. The City will check motor vehicle records (MVR) of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the City to check motor vehicle records at any time prior to or during their employment. The Department Head will be responsible for collection of license copies each year and for the submittal of licenses to the City Administrator who will have the employee's license run by the Chief of Police through GCIC for review.

Notification Procedures

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on City business.
2. Immediately during work hours or by the next working day if after hours, upon the receipt of any ticket or citation for any violation of state law or a local ordinance relating to motor vehicle traffic operation, except this shall not apply to parking violations received in a personal vehicle. In addition, employees must notify their supervisor when at fault in a motor vehicle crash, whether cited by the police or not, and whether on duty or off.
3. An employee who receives a citation for any violation while operating a City vehicle will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination.
4. Failure to report a citation received, whether off or on duty, may be grounds for disciplinary action, up to and including termination.

Operation of Vehicles

Employees shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the city and state pertaining to such operation. Tobacco use in City-owned or leased vehicles is prohibited.

Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any City-owned or leased vehicle for city business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this handbook.

Passenger Restraint Systems

All drivers and passengers in city vehicles are required to wear their seatbelt whether or not it is required law. The only exception will be for detainees being transported in the rear of the police vehicle if the detainee presents a risk to the officer in fastening the seat belt. The driver of the vehicle is responsible for compliance.

Accident Involvement

Report Required

All of the following, collectively referred to throughout this Section as an "Accident," shall be reported to the immediate supervisor by the employee involved in the event and any City employees who witness the event:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving city-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and

4. All property damage occurring during the course of business.

Employee Responsibilities

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

1. Render aid to other parties if possible and necessary;
2. Report the Accident and any injuries immediately to local law enforcement in the event of a vehicular accident;
3. Immediately notify their supervisor or designee, as soon as possible if the supervisor is not available;
4. Record the name, address, and phone number of any witnesses, and note the specifics of the Accident circumstances, if possible;
5. Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
6. Remain at the scene until excused by law enforcement personnel;
7. Not discuss or reveal information or provide statements to non-City personnel subsequent to the Accident. This does not prohibit cooperation with law enforcement investigations outside the City's jurisdiction.
8. Submit to all requested post-Accident testing as directed by the supervisor or other City Management representative.

Administrative Accident Investigation

The Chief of Police will conduct an administrative investigation into the circumstances of the Accident and prepare a written report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such Accidents. The City Attorney will facilitate claim/litigation management with the City's insurance carrier.

Examinations and/or Tests

An employee who is involved in a reportable Accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this handbook.

Workplace Violence Policy

Statement of Policy

The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. The City consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unauthorized, non-city issued firearms, weapons, ammunition, or explosives on city property is strictly prohibited.

Scope

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the City, including but not limited to, the City personnel, contract and temporary workers, and anyone else on city property.

Definition of Workplace Violence

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs on city premises, no matter what the relationship is between the City and the perpetrator or victim of the behavior or off city premises, where the perpetrator is someone who is acting as an employee or representative of the city at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

- A. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
- B. Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
- C. Intentional destruction or threat of destruction of the City's or another's property.
- D. Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- E. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails and any other type of correspondence sent by any means.
- F. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
- G. Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
- H. Unauthorized possession of weapons of any type, whether licensed or not, and particularly firearms. The only exception is local, state, and federal law enforcement officers, police or arson investigators acting in the line of duty. Weapons, include, but are not limited to:
 - Any weapon which, per applicable law, is legal or illegal to possess;
 - Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;
 - Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
 - Any switchblade knife;
 - Brass knuckles, metal knuckles, and similar weapons
 - Bows, cross-bows and arrows;

- Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;
- Throwing stars, nun chucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a weapon;
- Self-defense chemical sprays (Mace, pepper spray) in canisters or containers larger than two ounces;
- Any object that has been modified to serve as, or has been employed as, a dangerous weapon.

Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on City premises, this policy applies. Where such tactics include any of the above-described behaviors off City premises, this policy applies where the abuser is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

Reporting Complaints

If you observe the possession of unauthorized non-City issued weapons on City premises, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the City Clerk immediately. Supervisors must report all potential violations so the City Clerk can handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the City in general, are encouraged to seek assistance from the City Clerk.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the

risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this policy, and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

What to Expect from the City

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

City Expectations of Targeted Employees

Stay Away Orders:

The City reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the City Clerk and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. The existence of any such order and provide a copy of the order;
2. Any violations or attempted violations of the order;
3. Any changes to the order that affect the workplace; and
4. The order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including

employees, customers, vendors and others) must immediately notify the City Clerk and provide a copy of the order.

Upon being notified of an order of protection, the City Clerk will contact the reporting party to gather information about the individual and assess the situation. The City will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

Search Policy

If the City reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the City may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the City may conduct searches of any City property including for instance work stations and areas, including desks, locker, credenzas, file cabinets, computers and computer-stored information, voicemail, email, business records, City vehicles and any other property or equipment owned by the City, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline up to and including termination.

Searches will be conducted by the Chief of Police with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

Assistance Programs/Services

The City provides all employees and family members with a no cost Employee Assistance Program (EAP) that has professionals trained to handle domestic violence cases. These professionals provide counseling, support, and referrals. In addition, EAP is a resource for employees who want to learn more about domestic violence or find out how to help a friend, family or coworker. Many community agencies provide free services for safety planning, counseling, support groups, shelter, and legal assistance. Please contact the Human Resource Department if you need additional information.

COMPENSATION & BENEFITS

COMPENSATION

Policy Statement

The City of Statham's compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees based on what their job is worth; ensure they appropriately move through the salary range for their classification; and recognize performance through merit pay, where applicable. The pay plan is designed to comply with federal and state law, including the Fair Labor Standard Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

Pay System

Pay Period

All non-public safety employees will be paid on a weekly basis. Public safety employees will be paid on a bi-weekly basis. The workweek will begin on Friday and end on Thursday. When a pay date falls on an official city holiday, employees will be paid on the date preceding the holiday.

Direct Deposit

Employees may participate in the direct deposit program. All pay-related items, such as allowances and reimbursements, will flow through the regular pay cycle. An employee's final check upon the end of employment will not be a direct deposit check, but a live check picked up in person by the employee or mailed upon request.

Types of Pay Other Than Base Rate

1. Overtime Pay

Overtime work is work performed by a qualified employee, which exceeds the regular workweek, as defined in the Fair Labor Standards Act (FLSA). FLSA standard for non-public safety employees is a forty (40) hour workweek, for police shift employees, an eighty-five and a half (85.5) hour bi-weekly work period. Compensation for overtime hours shall be at time and a half for hours worked in excess of the defined work period. Vacation and sick leave will not be considered as hours worked for overtime computation purposes.

2. Compensatory Time

It shall be the City's policy to allow the accrual of Compensatory Time (Comp Time) in lieu of payment for overtime hours worked by non-exempt employees to reduce the cost of overtime wages and to assist employee productivity and effectiveness without extra cost to the City. Comp Time is defined as time off granted to a regular non-exempt employee to offset hours worked by the employee over and above those required in the normal course of employment. The accrual of Comp Time for exempt employees is not allowed. Employees must agree to receive Comp Time in lieu of overtime payment.

A. Accrual

Comp Time will accrue at a rate of one and one-half hours for each hour of employment for which overtime compensation is otherwise required and where the employee has not accrued Comp Time in excess of 24 hours. Accrual of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. Supervisors are expected to organize their projects and tasks appropriately to minimize Comp Time accruals.

The maximum accrual of Comp Time is limited to 24 hours. An employee who reaches this threshold shall, for additional overtime hours of work, be paid overtime compensation. Supervisors should attempt to schedule the utilization of Comp Time as it is accrued. Comp Time cannot be accrued to the point where it would be impossible to be utilized by the annual deadline.

B. Utilization

Comp Time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor. This time will also be utilized with the least amount of disruption to productivity and effectiveness to minimize hardship. Use of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. The use of Comp time must be permitted upon employee request to use it unless to do so would unduly disrupt the employer's operations. In the event a supervisor denies the use of Comp Time that would cause an undue disruption, the supervisor must generate written documentation to support the decision. In order to prevent the excessive accrual of Comp Time and to avoid the extra overtime liability to the city, a supervisor may compel an employee to utilize Comp Time at their discretion.

- C. Comp Time must be utilized by September 30th of each year or paid out as overtime. If an employee with accrued Comp Time is promoted to an exempt position, all accrued Comp Time will be paid out as overtime prior to the effective date of the promotion. All Comp Time earned by an employee must be used before the employee uses any accrued vacation or sick leave.

On-Call Status

Some operational divisions in the City may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable department head with approval of the City Administrator depending upon the needs of the individual department and appropriations in the fiscal budget.

A. Restricted On-Call

The time spent on-call on or away from City premises under conditions that prevent the employee from using the time for personal activities. The employee on Restricted On-Call status is required to report for any on-call assignment that arises during the applicable on-call period. This category of on-call is compensatory. Employees in a restricted on-call basis will be paid one hour per day at their regular rate and receive overtime if called to respond to an emergency. This is contingent upon Council funding annually.

B. Unrestricted On-Call

The time spent on-call on or away from City premises under conditions that do not prevent the employee from using the time for personal activities. The employee on unrestricted on-call status may choose to report for an on-call assignment but is not required to do so. Unrestricted on-call status is not compensatory, except for such time actually worked, should the employee report for an on-call assignment.

Call Back Pay

A call back occurs when there is an emergency or after hours service need for which an employee reports to work as a result. A call back does not include additional hours of work scheduled in advance.

- A. An employee responding to a call back will be paid the greater of two hours or the actual time worked on the call back assignment at their overtime rate.
- B. Travel time is included in the calculation of call back hours.
- C. Exempt employees are not eligible for call back compensation.
- D. If any employee is directed back to work on a call back, no vacation or sick time utilized during same pay period will off-set overtime payment.

Acting Status Pay

Employees who are temporarily re-assigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase shall be recommended by the City Clerk, but at no time should it be less than the minimum pay range for the temporary assignment classification.

Final Pay

Upon the end of employment, employees will be paid at their base rate for accrued vacation leave hours up to a maximum of 240 hours. Employees with less than 12 months active full-time service are not eligible for pay-out of any accrued vacation.

Note: Sick Leave is not payable upon any separation from the City.

Compensation Plan

Pay Plan

The City will maintain a Classification and Pay Plan, including a complete inventory of all positions in the City's service and an accurate description and specification for each grade of employment. The plan will standardize titles, by categorization of every job by class on the basis of similarities in duties, responsibilities, each of which are indicative of a definite range of duties and responsibilities and has the same meaning throughout assigned departments. The Classification and Pay Plan will be designed to provide equal pay for equal work and to provide a pay range for each grade of positions, which will enable the City to recruit and retain qualified employees, as well as compete in the job market with other public employers. All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

Administration

The primary responsibility for day-to-day administration of the Classification and Pay Plan rests with the City Administrator or designee, as follows:

The City Clerk is charged with the maintenance of the Classification and Pay Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.

- It is the responsibility of the City Clerk to examine the nature of the positions as they are created and to allocate them to an existing grade in conformity with this section; to make such changes as are necessary in the duties and responsibilities of existing positions; to develop forms and to provide vital information when deemed necessary to determine the proper grade classification of each position; to periodically review the entire Classification and Pay Plan; and recommend appropriate changes in the plan.
- The City Clerk will facilitate the requests for newly authorized positions or changes in duties of an existing position change. The Department Head must submit a Position Review Request to the City Clerk. The City Clerk will investigate the actual or suggested duties and make a report to the City Administrator or designee for approval. Ultimate approval for new positions shall be by the Mayor and City Council.

Use of the Classification & Pay Plan

The Classification and Pay Plan is to be used as:

1. As a guide in recruiting and evaluating candidates for employment;
2. In determining lines of promotion and in developing employee training programs;
3. In determining salary to be paid for various types of work;
4. In providing uniform job terminology understandable to all City officials and employees and by the public;
5. The official job title represented on the Classification and Pay Plan should be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed to or employed in a position in the City service under a title not included in the Classification and Pay Plan and approved by the Mayor and City Council;
6. Other job titles may be used in the course of departmental routine to indicate authority, status in the organization and/or administrative rank;
7. It should be general practice for newly hired employees to be hired at the minimum pay rate of the applicable grade for the position. The City of Statham recognizes that in some instances it may be necessary to hire employees above the minimum pay rate of the applicable grade for the position. The City Administrator shall have the latitude to hire personnel without other approvals up to the midpoint of the position as long as budget is available to do so. The City Administrator should be mindful of internal equity when extending offers above the minimum. Salary offers beyond the midpoint must be approved by the Mayor.

Maintenance of Pay Ranges

The City Administrator or designee may make or cause to be made such comparative studies as he or she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the City Administrator or designee may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

Changes in Salary

Performance Reviews

The job performance of all employees will be reviewed periodically to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

Salary Increases for Performance

Subject to annual budget appropriation, each department may be allocated a pool of merit dollars to be distributed by a percentage basis on a formula derived from the performance evaluation results. The City Administrator reserves the right to make additional pay adjustments as necessary for business operations.

Salary Changes Due to Promotions

The pay for employees receiving a promotion will be the greater of either the minimum of the pay grade of the promoted position or a five (5) percent increase. The City Administrator may allow a greater increase in order to address any internal equity issue.

Salary Changes Due to Reclassification

The pay for an employee whose position is reclassified to a higher pay grade will be upon the recommendation of the City Administrator placed at least the minimum of the higher position and not to exceed a five percent increase if the existing salary already exceeds the minimum rate for the higher position. The pay for an employee whose position has been reclassified to the same or lower pay grade will not change.

Salary Changes Due to Demotion

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance

The pay for employees receiving a demotion will be five (5) percent decrease in pay. At the department heads request, the City Administrator may allow a greater or lesser decrease in order to address any internal equity issue.

2. Voluntary Demotions (not performance based)

The salary of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Department Head.

3. Involuntary Demotions (not performance based)

The salary of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay.

Other Salary Increases

The City Administrator reserves the right to make additional pay adjustments as necessary for business operations provided that funds are available.

Employees at Maximum of Pay Range

As part of the City's pay plan, pay ranges are established based on market rates. Each range will consist of a minimum and maximum, except for department heads whose range will be considered open.

Should an employee's pay rate reach the maximum of their assigned pay range, and a pay increase is offered to employees as part of the annual fiscal year budget (merit, market or across-the-board), effected employees will receive any increase, if applicable, over the maximum of their range as a quarterly lump sum payment starting as of the date coinciding with the budget. In such a case, the employee's pay rate shall not be adjusted, but the City shall take into account any such lump sum payment for purposes of computing overtime as applicable under the Fair Labor Standards Act.

EMPLOYEE BENEFITS – LEAVE TYPE

Policy Statement

The City of Statham believes that employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. City management recognizes that employees have diverse needs for time off from work. Because of this, the City has established leave practices to address the balance, as well as to protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

Overview of Requirements & Restrictions

General Provisions

Except as provided otherwise in this chapter, the following apply to all paid leave benefits:

1. Approval of leave is subject to operational requirements of the department and any request for paid leave may be denied or rescheduled due to staffing needs;
2. Paid leave cannot be advanced;
3. All requests for leave must be submitted in writing using the leave request form with as much notice as possible;
4. Except for military leave, an employee in an unpaid leave status will not accrue vacation or sick leave hours. This will not, however, constitute a break in service for accrual rate purposes;
5. Non-exempt employees shall record paid leave in quarter hour increments;
6. Exempt employees shall record paid leave in whole day increments; exceptions to this must be approved by the City Clerk.

Unpaid Leave Status

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the City Administrator. Vacation and sick leave will not be accrued during leave without pay status. Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact the City Clerk to arrange for documentation and payment of premiums. Employees will not be permitted to remain on unpaid leave status for more than 90 days without the approval of the Mayor.

Vacation Leave

Eligibility

It is the policy of the City to provide paid time off for eligible employees. Employees are not entitled to “cash out” accrued leave outside the end of the employment process. Vacation leave is accrued and granted to:

1. Regular full-time employees are considered eligible employees;
2. Eligible employees while on authorized paid vacation leave will continue to accrue vacation leave hours;
3. Pay for vacation leave shall be at the employee’s regular rate of pay in effect for the employee’s regular job on the pay date immediately preceding the employee’s vacation period.
4. All eligible employees accrue vacation leave hours on the following basis: The accrual rate increases on the first day of the pay period that includes the employees’ anniversary date.
5. Vacation leave must be taken by December 31st of each year.
6. These hours will be posted on January 1st of each year to employee’s individual payroll record in the computer and deducted as taken.
7. The following chart reflects the accrual rates for city employees:

Regular Full-time Employees

After 1 year thru 2years	40
2 thru 5 years	80
5 years and above	120

Police Shift Employees

After 1 year thru 2years	40
2 thru 5 years	80
5 years and above	120

Use and Scheduling of Vacation Leave

Whenever possible, employees will be allowed to take vacation at times most convenient to them. However, in order to ensure continued smooth operation and maintain a high level of quality in the delivery of service to the citizens of Statham, the City reserves the right to limit the number of employees that may be absent from a given department at any one time.

Where there is a conflict in the vacation choices of two (2) or more employees who cannot be spared at the time, the department management will determine who will take leave; When a holiday occurs during the period an employee is on authorized vacation leave with pay, vacation shall not be charged for the holiday;

Sick Leave

Eligibility

It is the policy of the City to provide sick leave with pay for eligible employees. Sick leave is a privilege and may be used only when an employee or member of an employee's family is incapacitated due to personal illness or injury or has a medical/dental appointment.

1. Regular full-time employees are deemed eligible employees for sick leave purposes;
2. Eligible employees while on authorized paid sick leave will continue to accrue vacation leave hours;
3. Eligible employees can take leave immediately once hours have been accrued and approved by department management;
4. No employee will be allowed to carry a negative sick leave balance. An employee, whose sick leave balance is insufficient to cover absences may utilize any other accrued leave before requesting leave without pay or take the time without pay.
5. Pay for sick leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's sick leave period.
6. These hours will be posted on January 1st 2017 to employee's individual payroll record in the computer and deducted as taken. Effective January 2018, employees will accrue 8 hours per month.

Sick Leave Accrual Rate

All eligible employees will accrue sick leave hours per year on the type of employee. The accrual will begin immediately upon hire.

Regular Full-time Employees

48
96 Effective January 2018

Police Shift Employees

48
96 Effective January 2018

Eligible employees will be allowed to carry over sick hours from one calendar year to the next in an amount not to exceed 720 hours. On December 31st of each year, the employee's sick leave credits will be totaled and any hours in excess of the applicable carry over will be forfeited.

Use of Sick Leave

Sick leave may be used for appointments for medical or dental examinations or treatment when such appointments cannot be reasonably scheduled during non- working hours. Examination appointments must be approved at least one (1) work day in advance, by the Department Head or designee. Sick leave can also be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report to their supervisor within thirty (30) minutes of the scheduled starting time the reason for absence. Public Safety may develop internal rules that establish stricter reporting standards.

Payment of Sick Leave

Sick leave accruals are not payable upon separation from the city.

After submitting a resignation, employees are not eligible to utilize accrued sick leave. All absences occurring during an employee's last two weeks of employment with the City will be charged to accrued vacation time with said deductions reflected in their final paycheck.

Other Leave Types

Bereavement Leave

1. Employees may be granted up to 24 hours of bereavement leave with pay upon death of a member of the employee's immediate family. Immediate family is defined in the definition section.
2. Employees must request bereavement leave by contacting their supervisor prior to the leave period.
3. There is no accumulation of bereavement leave and no payment upon separation from city employment. Hours do not have to be taken simultaneously.

Civil Leave

1. Jury Duty.
2. Official Court Attendance

All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City are considered to be working. Any fees paid for such services will be returned to the City. Employees who are subpoenaed, ordered to appear, or otherwise voluntarily participating in a Court appearance or judicial process other than as specifically identified herein shall not be entitled to leave with pay, but must take vacation leave.

3. Military Leave

Employees are entitled to military leave in accordance with state and federal law. An employee going on military leave should present a copy of their official orders to the City Clerk as soon as received or they may fill out a Military Leave Verification form.

Administrative Leave

The City Administrator, with notification to the City Clerk, may place an employee on Administrative Leave when an employee is being investigated by City for possible misconduct or by a law enforcement agency for possible violation of a criminal law or in any instance where it is considered to be in the interest of City and/or the employee. In addition, written notification must be provided by the official who placed the employee on Administrative Leave to the City Clerk with instructions that the leave shall be with pay.

Administrative Leave shall be with pay for the initial 14 calendar days of the Administrative Leave period. Every effort shall be made to complete the investigation within the initial period.

At the expiration of the initial ten-day period, if the investigation has not been completed, the employee may be placed on Administrative Leave without pay for an additional 21 calendar days upon written notification to the City Clerk by the official who placed the employee on Administrative Leave.

At the conclusion of the 21-day unpaid Administrative Leave period, if the investigation has not been concluded, an extension may be considered or the employee may be terminated.

The purposes of Administrative Leave are to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the City and the employee. Designation of the leave as “administrative leave” is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable Department Head with copies of the written notice provided to the City Clerk.

The decision to place an employee on Administrative Leave is entirely discretionary. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the City Administrator.

Leave Due to City Office Closure

In the event of hazardous weather, or other occurrence resulting in the closure of the City offices, all employees who are scheduled to work during the period for which the City is officially closed will be paid. Full-time employees shall be paid closure pay according to hours worked in their regularly scheduled shifts. Part-time employees shall be paid for four (4) hours of pay. Temporary and seasonal employees shall not be paid.

If questionable weather exists, but the City is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the City is open for business, the employee's absence will be charged against any accrued personal leave or compensatory time. If no such accrued leave exists, the employee will not be compensated. Public Safety employees are expected to monitor weather conditions and report to work as scheduled.

If a non-exempt employee who is not a public safety employee is called into work when the City is officially closed, it is considered a call-out for emergency reasons and the employee shall be compensated for time and one-half of his/her regular rate for hours actually worked in the form of over-time for non-exempt employees and compensatory time for exempt employees. If the employee is not called into work, but reports to work during the period of time that the City is officially closed, the employee will be paid at his/her regular rate of pay.

Holidays

The City observes the following holidays:

New Year's Day (January 1st)

Martin Luther King, Jr. Day (3rd Monday in January)

Good Friday (Friday before Easter Sunday)

Memorial Day (last Monday in May)

Independence Day (July 4th)

Labor Day (First Monday in September)

Thanksgiving Day

Day after Thanksgiving

Christmas Day (plus 1 day before or after Christmas Day)

Floating Holiday

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for city employees. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for city employees.

A non-exempt employee who is required to work on an official city holiday will be paid at their regular hourly rate for the actual hours worked and the holiday pay. A non-exempt shift employee scheduled off on an actual calendar holiday will be paid a holiday equalization of eight (8) hours. All full-time shift employees will receive a minimum of eight (8) hours of holiday pay, whether on-shift, through holiday equalization, or a combination of the two.

An exempt employee who is assigned to a shift on an official city holiday will receive an additional 8 hours of holiday equalization pay regardless if they worked the holiday or not.

Employees must work their regularly scheduled workday or shift or be on an approved leave status the day before and after a holiday in order to receive holiday pay.

GROUP BENEFIT PLAN

Policy Statement

It is the policy of the City of Statham to provide its employees with various benefits. The benefits plan is designed to provide a supplemental package of programs, which contribute to the physical and mental health and well being of the employee and their dependents. The plan is designed to enhance the attractiveness of working for the City and to aid the City's competitiveness in recruitment and retention efforts.

General Provisions

Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the City Clerk within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the City Clerk.

Eligibility

Eligibility for health insurance, death benefits, and tuition reimbursement shall include regular full-time employees.

1. Employee contributions deducted via payroll will begin concurrent with employee eligibility.
2. Benefit eligibility will expire at the end of the last day of the month that the employee worked for the city.
3. All full-time employees and elected officials shall be covered by worker's compensation and have access to the Employee Assistance Program.

Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Statham's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Statham's group rates, plus an administrative fee established by the City. Certain deadlines and application requirements will apply. Please consult the City Clerk if you wish to apply for COBRA benefits.

Benefits Offered

The City of Statham intends to provide a comprehensive benefit package to aid the recruitment and retention of staff. We will annually publish a document that details our benefit plans. The actual plan documents, rather than any summary statements in this Chapter, should be relied upon in determining an employee's rights and obligations.

WORKER'S COMPENSATION

Policy Statement

It is the intent of the City of Statham to comply with the provisions of the Worker's Compensation Laws of the State of Georgia. All City of Statham employees and elected officials who are injured on the job are protected by the Georgia Worker's Compensation Act. The provisions of this act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment with the City of Statham.

General Provisions

Definition

"Injury" shall be defined as provided for in O.C.G.A. § 34-9-1.

Responsibility

Worker's compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the City Clerk, all supervisors and the employee.

1. City Clerk

The City Clerk is responsible for the management of the City's worker's compensation program in accordance with the provisions of the Georgia Worker's Compensation Act and other Federal, state, or local regulations. The City Clerk is responsible for timely submission of the First Report of Injury form to the State and for all other Worker's Compensation records, files and reports. The City Clerk will, in accordance with the law and applicable City policies and procedures, determine the continuing employment status of employees who are out of work on Worker's

Compensation. An employee out of work on Worker's Compensation who does not return to work when released to do so by a qualified physician may be terminated.

2. Supervisors

City of Statham supervisors are responsible for assuring their employees report all on-the-job injuries to them immediately or as soon as possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and turned into the Department Head who will then forward it to the City Clerk within the twenty-four hour time period.

3. Employees

All City of Statham employees are required to report all on-the-job injuries to their supervisor immediately when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the worker's compensation program directives and activities and any fraudulent activity will be grounds for termination.

Procedures

- A. An employee injured on the job must report the injury to their supervisor immediately, on the forms prepared and provided by the City Clerk.
- B. The employee's supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the First Report of Injury form and the Supervisor and Employee Statement forms.
- C. Treatment of the injury shall be provided at one of the designated medical facilities that are posted at each work site and the employee must select a doctor from the approved panel of physicians provided by the city. In an emergency, the employee may receive medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.

- D. An employee injured by an accident arising out of or in the course of employment shall not be charged for any absence from duty due to the injury on the day of the injury.
- E. There is a seven calendar day waiting period before worker's compensation benefits are due. The seven-day waiting period includes those days the employee would not have worked even if there has been no injury. The City of Statham will compensate employees during this seven day waiting period. The employee will not have to use their accrued sick or vacation leave in the event of a worker's compensation injury during those first seven days. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using their available sick or vacation balance. However, if the disability lasts for 21 consecutive days, compensation is retro-active for the first seven days. The first seven days of disability are not reimbursable unless the employee is disabled more than the 21 consecutive days. If the employee is reimbursed from the state for the initial seven day period, he/she will be responsible for returning that money to the City. Beginning with the eighth day following the injury, the employee will be compensated with the statutory worker's compensation rate of $66 \frac{2}{3}$ of weekly salary up to the maximum prevailing rate required by the Worker's Compensation Law. The employee may continue their available balance of sick or vacation time to supplement the worker's compensation benefit.
- F. During the first six months of a job related injury, the employee's position will be secure and the affected department may use temporary employment if the budget allows.
- G. If the employee is unable to return to their regular position, the city may require the employee to perform a light duty assignment that is approved by the assigned physician until a time the employee can return to work on a unrestricted basis. The City has no obligation to create a light duty assignment if work is not available.

SUPPLEMENTAL PAY AND TUITION REIMBURSEMENT BENEFITS

Supplemental Pay for Employees Receiving College Credit Toward Bachelor's Degree

The City will offer \$1000 in supplemental base pay to employees who complete 60 semester hours of college credit (or equivalent quarter hours) from an accredited college or university with proof of transcript. Sixty hours typically equates to an Associate's Degree. The City will also offer an additional \$1000 to an employee's base pay for completing his/her Bachelor's Degree. The most an employee may receive is \$2000 in educational supplemental pay during their tenure with the City. All supplemental pay will be added to the base pay amount. These supplements will be applied either during the hiring process for those prospective employees who meet the above educational standard or for those existing full-time employees who meet the above standards during their course of employment.

Tuition Reimbursement

The tuition reimbursement program has been designed to assist employees with long-term educational goals. The City offers tuition reimbursement to eligible employees, contingent upon fund availability. Reimbursable expenses include tuition, registration and application fees, books and other required fees. The cost of supplies, parking, gasoline, student activity cards, and other related items are excluded.

Application and Approval

To be eligible for tuition reimbursement benefits an employee must be employed with the City for at least six (6) months and must execute a Tuition Reimbursement Agreement with the City to be submitted in conjunction with the Employee's application for tuition reimbursement. The tuition reimbursement application must be approved prior to the beginning of any training and development activity or reimbursement will not be made available. An employee must receive approval from the City Administrator.

Reimbursement

An employee who takes an approved training or development course may be reimbursed one hundred percent (100%) up to a maximum of \$3,000 per calendar year of tuition costs under the following terms and conditions:

1. In order to be reimbursed, the course must be job-related or related to a position to which the employee can be promoted;
2. The course has been successfully completed with a minimum grade of "C" at the undergraduate level and "B" at the graduate level; and
3. Funds for reimbursement are available in the department budget.

The employee shall submit proof of tuition payment, other receipts eligible for reimbursement and a copy of their grade(s) to the City Clerk within ten (10) days after receiving their grades.

Re-Payment

Consistent with the Tuition Reimbursement Agreement that the Employee executes and submits with his/her application for tuition reimbursement, if the employee leaves employment with the City voluntarily within twelve (12) months of the conclusion of the training or development course for which the Employee received tuition reimbursement, the Employee shall be responsible for full re-payment of the reimbursement amount to the City.

EMPLOYEE RELATIONS

STANDARDS OF CONDUCT

Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective and effective performance of their duties;
2. Avoid activities that are adverse to the City's interest or adversely affect the City's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for city operations.
5. The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited by city employees. Other standards of conduct are established throughout this handbook and other standards may be established and published by departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated.

General Provisions

Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, Georgia, or any other state and political subdivision thereof. Conduct described as a violation of such laws may be cause for disciplinary action, regardless of whether charges are filed, prosecuted or whether the employee is adjudicated guilty or not guilty.

Violation of Rules

An employee shall not commit any act contrary to good order and discipline or constituting a violation of any of the provisions of the rules and regulations of the City and its departments.

Ethics

No elected official, appointed officer, or employee of the City or any agency or political entity to which this handbook applies shall knowingly:

- A. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
- B. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;
- C. Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
- D. Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- E. Represent other private interests in any action or proceeding against this city or any portion of its government; or
- F. Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.

Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any council member who has a private interest in any matter pending before the City Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Handbook applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

No elected official, appointed officer, or employee of the city or any agency or entity to which this Handbook applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the City Council or the governing body of such agency or entity.

Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council;

Except as authorized by law, no member of the Council shall hold any other elective City office or other City employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the date of enactment of this Handbook.

Attention/Dereliction

Attention

An employee shall remain awake, alert, observant and occupied with City business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties.

5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

Insubordination

An employee shall adhere and execute any and all lawful orders of a supervisor, including those relayed from a supervisor through another employee. A lawful order is any order in keeping with the performance of any duty, issued either verbally or in writing by the Department Head or any other supervisor, direct or indirect. The willful disobedience of any order lawfully issued by a supervisor or any mutinous, insolent, uncooperative, or abusive language or conduct toward a supervisor shall be insubordinate.

Competence, Judgment & Supervision

Competence

An employee shall maintain sufficient competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the City. Failure to do work at an acceptable level of competence as determined by the applicable supervisor may be grounds for disciplinary action.

Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

Supervision

A supervisor shall, in accordance with department management expectation:

1. Demonstrate qualities of leadership necessary for the position;
2. Maintain a positive attitude in support of department decisions and goals;
3. Exercise appropriate supervision of subordinates and responsibilities;
4. Effectively plan, develop, and coordinate supervision and training of subordinates;
5. Observe and appropriately counsel subordinates;
6. Take appropriate action when a subordinate fails to perform; and
7. Properly account for all funds and property under their control

Health Fitness

Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

Evaluation for Fitness

When it is reasonably demonstrated that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to submit to an evaluation of health fitness for duty by a physician of the city's choosing and expense. All such testing shall be coordinated by the City Clerk.

Periodic Evaluation

An employee may be required to take periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

Disclosure Required

An employee who becomes aware of a physical or mental impairment that affects or reasonably threatens to affect their ability to perform essential job functions shall report the condition immediately to the Department Head.

Status During Evaluation

Pending completion of the health fitness evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

Absences & Reporting

Unauthorized Absence

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place, or leaving a place of duty or assignment without authorization.

Reporting for Work

An employee shall report to work on time and physically and mentally fit at the time and place specified by the supervisor and remain physically and mentally fit throughout the work day. On-time is considered to be clocked in and ready for work at the starting hours of the employee's shift.

Reporting Absence

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor within the time limits established by the Department Head. Failure to do so may result in an unexcused absence.

Fictitious Reporting

Employees are responsible for immediately reporting any suspected violation of policy. An employee is responsible for immediately reporting to the City Administrator in writing any arrest or complaint filed against them. Reports submitted by employees shall be truthful and without attempt to deceive any supervisor or official of the City.

Response

Responding to Calls for Service

No employee shall fail to timely respond to official calls for service, dispatched calls, notices of assignment, subpoenas or any other method of direction to perform.

Requests for Assistance

When the public requests assistance or advice or makes complaints or reports, the employee shall gather all information in an official and courteous manner and shall judiciously act upon the situation consistent with prescribed procedures.

Personal Appearance

All employees must maintain a neat and well groomed appearance, wearing any uniform or other appropriate business apparel.

Professional Conduct

Courtesy

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercise patience and discretion in all situations. Employees should refrain from using coarse, violent, profane or insolent language.

Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct at all times, both on and off the job, shall reflect favorably on the employee and the City. Unbecoming conduct includes acts that tend to bring the City into disrepute, discredit the employee, or tend to impair or interfere with the operation of the City or employee.

Unprofessional Conduct

Inappropriate conduct includes but is not limited to:

1. Uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. Conflict of interest;
3. Reporting to work/or working under the influence of drugs and alcohol;
4. Use of abusive or obscene language;
5. Violation of telephone/computer usage/or political activity policy;
6. Theft, abuse or misuse of City property or vehicles, violations of traffic laws while driving a City vehicle, failure to report damage or destruction of City property to a supervisor, loaning property or equipment of the City without permission or proper authority;
7. Illegal gambling;

8. Falsifying records/making false claims;
9. Fighting;
10. Sabotage;
11. Deliberate damage to City property;
12. Acceptance of a bribe;
13. Mishandling cash or other City property;
14. Discriminatory attitude or prejudice concerning another person to include gossip;
15. Conviction of a felony or a crime of moral turpitude, and/or arrests that bring discredit to the City or otherwise threaten to interfere with the City operations;
16. Acts during duty hours which are incompatible with public service;
17. Falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
18. When duly and properly called as a witness before any City board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the City;
19. Failure to report an occupational injury or accident during the shift on which it occurred;
20. Absence due to incarceration;
21. Use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public supervisors, or other employees;
22. Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
23. Guilty of disgraceful conduct;
24. Careless or negligent with the monies or other property of the City;
25. Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;

26. Use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
27. Violating the established procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
28. Failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specification for the class to which the position occupied by the employee is classified;
29. Wasted time, inefficiency, and/or loitering during working hours; and/or
30. Abuse of leave policies.

Other Standards

Identification

An employee must furnish their name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of City business. Employees may be required to obtain an official, City-issued identification and have it available for inspection during business hours.

Examinations and/or Tests

Upon order of the Department Head for matters related to duty performance and investigations authorized by law, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program, and shall sign any related authorization forms.

Horseplay/Rough Play

No employee shall engage in horseplay or rough play while on the job or in any City facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under worker's compensation.

Fighting

An employee shall not engage in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

Firearms and Lethal Weapons

Except for employees commissioned by the City of Statham as police officers, City employees are prohibited from possessing firearms while on duty or in any City facility or vehicle, regardless of whether the employee possesses a firearms license. Special authorization may be made by the Mayor based on warranted circumstances.

Fraudulent Employment

No employee shall procure or maintain employment in the City by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment or physical condition.

Tobacco Free Environment

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, all City enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the uses of smoke-less tobacco that gives rise to increased facilitated costs and resulting public health concerns, all City enclosed buildings and vehicles are hereby declared to be tobacco-free areas as well as any area or vehicle that is within the view of the public. No employee shall engage in conduct in violation of this policy.

DISCIPLINE

Policy Statement

The City of Statham believes that each employee wants to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices.

The primary purpose of disciplinary action is to correct or prevent the recurrence of employee performance or conduct that is detrimental to quality job performance or the interest of the citizenry, the employee, the City or other employees. The City's discipline policies emphasize the employee's responsibility for the consequences of their own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

When an employee's conduct results in deficiencies in job performance or violations of law, City regulations or rules, it is the policy of the City to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the City workforces through application of the standardized disciplinary options and procedures in this chapter.

General Provisions

Level of Discipline

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

Format & Location of Actions

All disciplinary action should be documented in writing. All appeals by employees must be in writing. All responses to, and decisions on, appeals must be in writing.

Progressive Discipline

While it is expected that disciplinary action options be exercised progressively, the nature of the deficiency or violation in any particular situation may preclude the exercise of a less severe discipline option. Typical disciplinary actions may include oral or written warning, suspensions (with or without pay), training and termination.

Suspension of Exempt Employees

Except in the case of a major safety violation, any suspension of an exempt employee must be made in full week increments only. Major safety violation suspensions may be made in full day increments.

Disciplinary Options

The City Administrator is authorized to exercise disciplinary actions against employees with the authority delegated by the Mayor. The department head or a designee may suspend employees.

Counseling

An informal discussion between a supervisor and employee about the need to improve minor performance problems or as a reminder about violation of a minor rule that does not threaten the safety or the employee or others, or that does not involve honesty. All documents regarding counseling will be kept in the employee's personnel file by the City Clerk. There are no appeal rights to counseling documentation.

Oral Reprimand

An oral warning/instruction from the supervisor to the employee about the need to improve performance deficiencies or about violation of a rule that does not threaten the safety or the employee or others, or that does not involve honesty. All documents regarding counseling will be kept in the employee's personnel file by the City Clerk. There are no appeal rights to oral reprimand documentation.

Written Reprimand

A written warning/admonishment from the supervisor to the employee about the need to improve performance or about a rule violation. All documents regarding written reprimands are to be kept in the employee's personnel file by the City Clerk. The employee has five days to appeal to the Department Head or through the chain of command to the next level supervisor. Appeals does not go beyond the next level of supervision of the supervisor issuing the appeal.

Suspension

Suspension is defined as relief from duty for a specified amount of time. A suspension of an employee requires coordination with City Clerk and the City Administrator. The employee has five days to appeal to the Department Head. After the Department Head's decision, the employee has five days to appeal to the City Administrator. All documentation regarding suspensions are to be kept in the employee's personnel file by the City Clerk. The final decision regarding suspensions rests with the City Administrator.

Demotion

A demotion is defined as a reduction in rank or classification consistent with deficiency of the violation. Demotion is not an option for probationary employees. Demotions require coordination with the City Clerk, City Administrator, and the City Attorney. All documentation regarding demotions are to be placed in the employee's personnel file by City Clerk. An employee has five days to appeal to the Department Head. After the Department Head's decision, the employee has five days to appeal to the City Administrator. The final decision rests with the City Administrator.

Dismissal

A dismissal is defined as an involuntary separation of employee from City employment. All dismissals require coordination with the City Clerk and the City Administrator. Documentation regarding dismissal will be kept in the employee's personnel file by City Clerk. An employee has five days to appeal to the City Administrator. After the City Administrator's decision, the City Administrator will present his recommendation to the Mayor for final approval. An employee has five days to appeal to the City Council. Probationary employees do not have appeal rights to dismissal.

GRIEVANCES

Policy Statement

The City of Statham is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

General Provisions

Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this handbook. Grounds for submission of a grievance include:

1. Unfair application, interpretation or violation of City or department regulations;
2. Acts of retaliation as a result of utilization of the grievance process.

Statement of Grievance

At each step in the process, the written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific wrongful act and harm done to the grieving employee, and
3. A statement of the remedy or adjustment sought.

Grievance Steps

Step One – Department Head

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the City Clerk and the Department Head within five working days of the incident or when the employee became knowledgeable of the incident. The Department Head will attempt to resolve the matter and submit a written response to the employee within five working days after receipt. Note: In the police department, it is expected that grievances follow the chain of command. Under no circumstances will a grievance be allowed to extend beyond 25 business days.

Step Two – City Administrator

If the Department Head is unable to resolve the grievance or the response is unacceptable to the employee, the employee must within five (5) working days of receiving the response, present the written grievance to the City Administrator. Within ten (10) days of receipt of the grievance, the City Administrator or their designee will investigate the grievance and respond in writing to the employee. The City Administrator's decision is final.

Areas Not Grievable

The following areas are NOT grievable:

- A. Issues which are pending or which have been concluded by other administrative or judicial procedures;
- B. Management's rights to assign work and/or establish work processes;
- C. Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- D. The content or rating of a performance evaluation;
- E. The selection of an individual by the Department Head or City Administrator to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- F. Any matter which is not within the jurisdiction or control of the City;
- G. Internal security practices established by the City Administrator and/or City Council; and
- H. Decisions, practices, resolutions or policies made or passed by the City Council or City Administrator.

WORKPLACE DISCRIMINATION & HARASSMENT

Policy Statement

It is the policy of the City of Statham that harassment and discrimination of any kind will not be tolerated and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward confidentially to discuss any situation that they deem inappropriate. The City of Statham expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status. Improper interference with the ability of City of Statham employees to perform their expected job duties is absolutely not tolerated.

Discriminatory Harassment

The EEOC's definition of harassment is unlawful harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, sexual preference, or disability, or that of his/her relatives, friends, or employees, and that

- A. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- B. The purpose or effect of unreasonably interfering with an individual's work performance; or
- C. Otherwise adversely affects an individual's employment opportunities.

All employees, supervisors, and elected officials/department heads are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following.

- A. Offensive remarks, comments, jokes or slur pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;

- B. Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- C. Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
- D. Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

Sexual Harassment

Definition

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision, and
3. Such conduct has the purpose or effect to interfere with an individual's work performance or creates a hostile or intimidating environment.

Quid Pro Quo

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

Hostile Environment

Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.

Prohibited Behavior

Behavior prohibited by this policy can include but is not limited to unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

Complaint Procedure & Investigation

If an employee feels that this policy has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to their Department Head and the City Clerk. If the City Clerk is involved in the behavior, the report should be made to the City Administrator or designee. Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the City Clerk or to the City Administrator or designee. At any point, the employee who feels they have been harassed, may go outside the chain of command or their department and go to the City Clerk or the City Administrator or his/her designee.

All reports of harassing or offensive behavior will be investigated promptly, fairly and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

Corrective Action

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay or termination. In the event that harassment or offensive behavior reoccurs, it should immediately be reported to the City Clerk or to the City Administrator or designee. Any employee found to be acting in a harassing manner will be subject to disciplinary action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING

Policy Statement

The City has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing or presence in the body of illegal drugs or alcoholic beverages on City work time, while on City or customer property (including in personal vehicles while on City property or offsite at customer property during City work time), during lunch or breaks when an employee is scheduled to return to work, while in City vehicles, while offsite during attendance at training or meetings in connection with an employee's work for the City and/or while using, occupying, performing or engaging in any activity on City property and facilities. The City further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a police investigation, the Police Chief may grant a waiver to this policy for a finite period of time.

Application

This policy applies to all City employees (whether full-time or part-time), volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on City Premises or in City vehicles and will not be permitted to conduct business if found to be in violation of this policy.

Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy (the “Policy”), the following definitions apply:

Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

City Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the City of Statham government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than city offices, including all other locations of city-sponsored recreational, social, or educational events, and any place where a City of Statham employee is located while traveling to or from such location in the course and scope of his duties on behalf of the City, including an employee’s own vehicle when the employee is using it on city business, or when the vehicle is parked on city property. This definition shall not be interpreted to imply that the City assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a city supervisor’s instruction in furtherance of the City’s business, nor shall it constitute a waiver of any immunity which the City of Statham or its officials or employees might have under federal, state or local laws or ordinances.

Illegal Drugs (includes Controlled Substances)

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, “look-alikes,” “designer drugs” having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician’s instructions, or any other substances that are mood-altering, mind or

consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinalysis or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

Legally Obtained Drug

Includes prescription drugs and over-the-counter medications.

Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular city employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior,

odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

Safety-Sensitive Positions

Positions of employment with the City where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of or the testing of illegal drugs that have been seized by, confiscated by or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery or heavy equipment; (10) require the holding of a commercial driver's license; and (11) require or involve performing duties which directly affect public health or safety.

Prohibitions

The City prohibits all City employees from engaging in the following conduct or behavior while performing City business, while on City property or City premises, while on customer property performing city business, while in use of city property, or while operating or riding in a city vehicle and/or conducting city business:

- A. The use or consumption of illegal drugs, controlled substances, and/or alcohol;
- B. The possession of illegal drugs, controlled substances, and/or alcohol;
- C. The abuse of prescription medications and over-the-counter medications;
- D. Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
- E. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
- F. The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs or alcohol while on the job, while performing City business, while on City Premises, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of use of legally obtained drugs:

- A. City employees must not be on the job, on call, on City Premises, operating a City vehicle, or operating any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the City employee unfit for duty. An employee is “unfit for duty” if, in the City’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.
- B. A City employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. A City employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or her unfit for duty.
- C. City employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
- D. Any prescription medication brought onto City or customer property or taken aboard City vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.
- E. No City employee may take another person’s medication.

When Drug Testing is Required

Job Applicants for Safety-Sensitive Positions

All applicants for full-time and part-time Safety-Sensitive Positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time Safety-Sensitive Positions of employment will be tested for drugs after a conditional offer of employment has been extended.

Transfers to Safety-Sensitive Positions

City employees who are transferred, reclassified, promoted, or demoted from a non-Safety-Sensitive Position into a Safety-Sensitive Position will be tested for drugs before performing any job duties in the new position.

Reasonable Suspicion

All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any City employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave without pay pending the results of the test and confirmation of the results. Supervisors or directors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the City Clerk and shall seek confirmation of the observations from the City Clerk or another employee with Reasonable Suspicion training before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to the following:

1. The personal observation of the City employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the City employee has used drugs or alcohol in violation of this policy;
2. Personal observation of the City employee by another individual who has fully disclosed the observation to the City;
3. Observation of the City employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the City;
4. Information from a law enforcement agency received by the City.

5. Specific and objective facts indicating that a city employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
 - The appearance, behavior, speech or odor of the City employee immediately prior to or after the accident;
 - The City employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
 - The City employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
 - The City employee was arrested or received a traffic citation;
 - The City employee or any person received medical attention as a result of the accident; and
 - The City employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.
6. Specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of motorized equipment, heavy machinery or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:
7. The appearance, behavior, speech or odor of the City employee immediately prior to the accident;
8. The City employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
9. The City employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;

10. The City employee or any other person received medical attention as a result of the accident; and
11. The City employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Additionally, any supervisor or director may require a reasonable suspicion test(s) for drugs or alcohol when the City Clerk has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

Required Testing After Certain Accidents

Drug and alcohol testing must be performed within policy guidelines when any City employee holding a safety-sensitive position, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City business, is the apparent cause of an accident that results in: (1) a fatality; or (2) a citation issued to the City employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to City property; or (5) damage to any other property. Alcohol and drug test(s) required after any of the above accidents shall be completed within eight (8) hours of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

Random Testing

All City employees will be subject to random drug testing, as follows:

1. Tests will be ordered on a random, unannounced basis from the pool of identified City employees.
2. A random selection method and test rates as adopted by the City Clerk will be used to select City employees, thereby allowing each city employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the City Administrator. This selection will be facilitated and monitored by the City's occupational medicine provider.
3. A city employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a city employee who is randomly selected for testing may be randomly selected again during the same year.

4. The City Clerk will notify the supervisor or director when an employee has been selected through the random process. The employee will report to the testing facility taking with them the Chain of Custody Form. The supervisor or director is not to inform the associate that he or she has been chosen for the test until immediately prior to the time the employee is given their notice.
5. City employees are allowed to continue working pending the results of the test. If the testing facility notifies the City that the City employee has produced a confirmed positive sample, the City Clerk will contact the appropriate director with the results.
6. All information received by the City of Statham as a result of any testing procedure is considered confidential but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the City's defense in any such action or proceedings.

After-Care Testing

Persons in Safety-Sensitive Positions returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the City Clerk for a period of one (1) year following the City employee's return to work.

Return to Duty Testing

All City employees in Safety-Sensitive Positions who are absent from work for more than thirty (30) days, for any reason, or following any workers' compensation leave, medical leave, or short term disability leave shall be tested for drugs immediately upon returning to work and before performing any job duties.

Procedures for Testing

Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.

All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a

person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.

All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the City employee for the purpose of allowing the City employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or City employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or city employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or city employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing. Because the City employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable. A MRO will not be used when a blood test for alcohol is conducted.

(Upon notification by the MRO of a confirmed positive result for drugs, the City employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the City employee is negative for the presence of drugs, a third test may be made at the City's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.

Any City employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the City employee). Under no circumstances will the City employee be allowed to drive himself or herself home. The City employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

Investigation of Prohibited Drug and Alcohol Use and Searches

All City-issued, City-owned or City-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued, City-owned or City-leased equipment, property and facilities. If a search uncovers evidence of City employee wrongdoing, illegal activity, or City employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The City also reserves the right to conduct searches on city property of city employees and/or their personal property when, in the city's view, there is a reasonable suspicion that a City employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

Consent for testing

Prior to date of hire, all City employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the City and/or the MRO. Signed consent forms shall be kept on file by the City Clerk and are enforceable for the duration of employment.

Refusals to undergo testing

The City has a zero tolerance policy regarding test refusals. As such, any City employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when a City employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the City, after being directed to do so by the City;
2. Fails to remain at the testing site until the testing process is complete;
3. Fails to provide a urine, breath, saliva or blood specimen for any drug or alcohol test required;

4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her 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 a second test the City or collector has directed the City employee to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;
8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational or obstructive way that disrupts the collection process; refuses to be escorted to the designated collection site when so directed, is physically absent resulting in the inability to conduct testing).
9. City employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits.
10. City employees who refuse to submit to a test, or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for workers compensation benefits.

Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the City's attorneys, or where the information is relevant to the City's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

Discipline for Violations of Policy

Immediate Suspension

A City employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with backpay and the suspension without pay will be expunged from the City employee's personnel file.

Disciplinary Action

A City employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the City employee will not be eligible for rehire for a minimum period of two (2) years.

Immediate Termination

The following reasons shall be presumed to result in immediate termination of a City employee:

- A. Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on City property, while operating City equipment or vehicles, or while operating any other equipment or vehicles on City business.
- B. Operating City motorized equipment while unfit for duty due to the use of drugs and/or alcohol.
- C. Conviction for violation of any drug law.
- D. Refusing to consent to or to take a drug or alcohol test pursuant to this policy.
- E. Failure to appear at the designated collection site to take a drug or alcohol test when so directed.
- F. A confirmed positive test for drugs or alcohol.

Employee Assistance Program(EAP)

The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice. The City will maintain an Employee Assistance Program (EAP) that provides confidential access to professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all City employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

1. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.
2. In certain situations, an employee's supervisor may make a direct referral to EAP. Supervisors will undergo training to discuss EAP services and identify issues that may warrant a supervisory referral to EAP.
3. The following information will be made available to the supervisor making a directed referral:
 - The City employee kept or did not keep the appointment with the EAP counselor;
 - The City employee did or did not complete the EAP recommended treatment/assistance;
 - A referral for treatment/assistance was made by an EAP counselor and was accepted or rejected by the City employee; and/or
 - The City employee did or did not complete the EAP recommended treatment/assistance.
4. A City employee's failure to successfully complete the treatment plan or to release the information regarding his/her participation may result in disciplinary actions.

5. There is no cost for City employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let City employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the City employee.
6. City employees desiring assistance or consultation through EAP are encouraged to contact EAP directly or the City Clerk for further information regarding an EAP counselor.