

## POLICIES AND PROCEDURES

## FOREWORD

- A. Information included in these personnel policies and procedures and pay/classification plan is not intended to represent a contract between any employee and the City, and may be changed by the City Council without advance notice.
- B. Throughout the context of this document:
  - 1. The term "established position" indicates the position(s) in each class, created by ordinance. The class(es) and/or number of positions in each may be changed by the City Council without notice, and employee(s) occupying the position(s) may be affected by such changes.
  - 2. All references to employee shall include non-elected officers.
  - 3. Three consecutive days shall mean three consecutive workdays; in the event of persons assigned to 24-hour shifts, it shall not mean three consecutive days the persons are assigned to work.
  - 4. "Applicant" shall be defined as a person who has submitted a completed and signed Employment Application Form provided by the city for a specific position and who meets the minimum qualifications for the position.
- C. If any provision of these personnel policies and procedures is held invalid, such invalidation shall not affect the remainder of this Municipal Order or its application.
- D. All Municipal Orders that conflict with the contents of this document are hereby repealed.

## PART I. STATEMENT OF PURPOSE

### A. Purpose:

The City of Dry Ridge recognizes that a personnel system that is designed to ensure the recruitment and retention of a competent, productive work force is essential to effective, efficient local government. These personnel policies and procedures have been developed in order to achieve optimum efficiency, economy and equity in the pursuit of the city's goals and the utilization of its human resources.  
(Changed August 2007)

### B. Scope of Coverage:

1. The following are explicitly exempted from coverage, unless otherwise specified:
  - a. All elected officials;
  - b. All members of Boards or Commissions;
  - c. City Attorney;
  - d. Consultants, advisors and counsel rendering temporary services;
  - e. Independent contractors;
  - f. Employees who report for work only when called (on-call employees);
  - g. Employees occupying temporary or seasonal positions; and
  - h. Members of volunteer organizations.
2. In the event that individual sections of these personnel policies and procedures are declared applicable to personnel defined in I.B.1. above, the provision must be stated in the applicable section.
3. All employees not explicitly exempted from coverage of these personnel policies and procedures shall be subject to its provisions unless indicated otherwise in the contents of these personnel policies and procedures.

### C. Statement of Equal Opportunity:

The city seeks to provide equal opportunity to all of its employees and applicants for employment and to prohibit discrimination based on race, color, sex, religion, national origin, genetics, political affiliation, physical or mental disability, age or marital status. The city promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits, and all other terms, privileges and conditions of employment.

D. Americans with Disabilities Act (ADA) Statement:

1. The city will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of an individual's physical or mental disability. The city also will make reasonable accommodation wherever necessary for all employees or applicant with disabilities if the individual is otherwise qualified to safely perform the essential functions of the job with or without a reasonable accommodation. This policy of nondiscrimination applies to all personnel and employment practices, including:
  - a. Recruitment, advertising and job application procedures;
  - b. Hiring, upgrading, demotion, transfer, lay-off, termination, right of return from lay-off and rehiring;
  - b. Compensation of any kind; and
  - c. Selection and financial support for training.
2. Applicants for employment are encouraged to make a notation on the Employment Application Form to notify the Human Resources Officer if accommodation is required during the employment process.
3. It is the obligation of the employee or the applicant for employment to inform the employer of the disability. (Added August 2007)

E. Administrative Responsibilities:

1. These personnel policies and procedures shall be administered by the Mayor, who shall serve as Human Resources Officer.
2. The Mayor, as executive authority for the city, may delegate authority for personnel matters to non-elected officers or employees of the city. Provided that such delegation is accomplished by Executive Order, references to Human Resources Officer throughout this document shall mean either the Mayor or other non-elected officers or employees to whom the Mayor has delegated authority.
3. These personnel policies and procedures are intended to cover most personnel problems, actions or issues that may arise. Those not specifically covered shall be interpreted by the Mayor until reviewed by the City Council; such interpretation shall be in concert with the spirit and letter of these personnel policies and procedures. In addition, the Mayor may write administrative memoranda to interpret or clarify existing policies; these memoranda shall have the force of policy until reviewed by the City Council, and shall be filed with the personnel policies.
4. Recommended revisions in these personnel policies and procedures shall be made by the Mayor to the City Council, and any amendments hereto shall be made by Municipal Order.

5. In addition to other duties set forth in these policies and procedures, the Human Resources Officer shall:
  - a. Insure the following records for all employees are maintained in accordance with federal and state laws:
    - (1) Employee's name and permanent address;
    - (2) Position title;
    - (3) Departmental assignment;
    - (4) Salary;
    - (5) Past changes in employment with the city;
    - (6) EEO-4 requirements;
    - (7) Fair Labor Standards Act requirements; and
    - (8) Such additional information as may be required.
  - b. Insure that subsequent amendments or additions made in these personnel policies and procedures by the City Council are incorporated herein as follows:
    - (1) Immediately upon official amendment or addition, the change or change(s) shall be written in a manner and format consistent with these personnel policies and procedures;
    - (2) The effective date of the change shall be noted after the section changed; and
    - (3) A memorandum explaining the change(s) with the change(s) or addition(s) attached shall be distributed to all personnel assigned custody of a copy of the personnel policies and procedures.
6. The Council's authority for personnel matters extends to:
  - a. Approving the budget, including salaries/wages;
  - b. Approving and adopting changes in the policies and procedures, classification plan, and compensation plan; and
  - c. Approving or disapproving the appointment of non-elected officers after recommended by the Mayor.

## PART II: EMPLOYMENT PROCESS

### A. Exceptions:

Individual departments may have employment policies and procedures that differ from the following. In the event of differences, the departmental policies and procedures shall prevail.

### B. Procedures for Filling Vacancies:

1. The procedures for filling vacancies in established positions, including newly-established positions, shall be as follows:

#### a. Placement policy:

- (1) Appointment to an established position with the city shall be made only after it has been determined that the person being considered meets all qualifications prescribed in the class specification for a particular class or position.
- (2) This policy shall apply to current employees who request a transfer, promotion, or demotion to a vacant position as well as new applicants for employment or reemployment.

#### b. Announcement of vacant positions:

##### (1) Internal announcements:

- (a) When a vacancy occurs within the city, the Mayor may notify current employees of the vacancy by posting announcements in the city buildings or in other places as deemed appropriate by the Mayor. If announcements are posted, they shall include position title, grade, summary of duties, position qualifications, and the time limit for applying.
- (b) Employees may respond to such announcements by presenting a completed Employment Application Form to the Human Resources Officer, thus indicating the employee's interest in the vacant position.
- (c) The Mayor may fill the vacancy either by promoting current employees or employing a person from outside the city service.

- (2) Announcements outside the city service. When it is decided that applicants from outside the city service will be considered for vacant position(s), either of the following may apply:
  - (a) The city's open application policy allows persons interested in employment with the city to complete an Employment Application Form at any time, regardless of whether or not vacancies exist; such completed Employment Application Forms must state the position(s) applied for, and shall remain active for a period not to exceed six months (it is the applicant's sole responsibility to complete another Employment Application Form at the end of the six month period.) Provided the applicant indicated the vacant position(s) on the completed Employment Application Form, and the time limits for the Employment Application Form to remain active have not passed, the applicant will be considered for the vacant position(s).
  - (b) If the city elects to advertise the vacant position(s), all announcements shall be made in a newspaper of general circulation in the city or posted on the cable access channel. All announcements shall include such information as where to apply, deadlines for application, pay range for the position, summary of duties of the position, and position qualifications. All written announcements of vacant position(s) shall contain the following statement: "An Equal Opportunity Employer."
  - (c) The city may list vacant position(s) with the local office of the Kentucky Department of Employment Services.
2. The Employment Application Forms for all applicants (including current employees) who meet the qualifications for the position(s) shall be forwarded to the Mayor for appointment decision(s).
  - a. Application for position:
    - (1) Employment Application Forms supplied by the city and completed by applicants shall include information about the applicant's training and experience and such additional information as required to effectively evaluate the applicant's ability to perform the duties required by the position.
    - (2) No person may be appointed to a position unless verified information on an official Employment Application Form indicates that the person meets the qualifications for the position as set forth in the class specification.
    - (3) All Employment Application Forms must be signed and dated by the applicant.

b. Certification of eligibility for position:

- (1) The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:
  - (a) Information the applicant supplies on the official Employment Application Form;
  - (b) Job-related tests or examinations;
  - (c) Personal interview;
  - (d) Information and evaluations supplied by references given by the applicant; and/or
  - (e) Other appropriate information as determined.
- (2) At the discretion of the Mayor, an extensive background investigation may be conducted prior to the actual appointment of an applicant on the basis of the information obtained concerning the applicant.
- (3) Provided that a formal job offer has been extended, all applicants for full-time established positions shall be required to pass a job-related physical examination by a medical professional of the city's choice as a condition of continued employment.

C. Employment of Family Members:

For policies regarding the employment of family members, see the City of Dry Ridge Code of Ethics, Appendix A.

D. Orientation of New Employees:

1. An orientation will be made available by the Human Resources Officer or designee to all new employees occupying established positions as soon as possible after their first day of employment.
2. The orientation shall consist of at least the following:
  - a. An explanation of what the city expects of its employees, and what the employees can expect from the city;
  - b. An explanation of the city's policies and procedures, including salaries/wages, employee benefits, etc.;
  - c. An overview of the organization of the city; and
  - d. Other elements deemed appropriate.
3. New employees shall complete required forms, including benefit applications and enrollment forms, during the orientation period.



E. Employee Handbook:

The Human Resources Officer shall insure that a copy of the Employee Handbook is distributed to all employees in established positions. The Handbook shall include these policies and procedures (excluding the compensation plan and classification plan), and is meant to provide employees with a ready-reference on employment practices and employee benefits.

## PART III: CONDITIONS OF EMPLOYMENT

### A. Exception:

Individual sections of these policies and procedures may be in conflict with federal or state law relating to public safety employees; in the event of conflict, the provisions of federal or state law shall prevail.

### B. Probation:

1. All personnel initially appointed to an established position shall be on probationary status for six months, except that the probationary period may be extended for a period not to exceed an additional six months at the discretion of the Mayor. Employees shall be evaluated at least quarterly during a probation period.
2. A new employee may be dismissed by the Mayor at will during the original probationary period, unless otherwise provided by law.
3. An employee who has served an original probationary period and accepts a new position within the city service for any reason shall serve a six month probationary period in the new position.
4. Employees may be placed on probation status for disciplinary reasons; the length of the probation period shall be in line with the cause for disciplinary action.
5. While serving a probationary period for any reason, an employee may be reinstated to the former position, transferred to a position other than the former position, or dismissed from the city service without right of appeal.
6. Unless serving a probationary period, an employee may be dismissed from the city service for just-cause only.

### C. Transfer:

Any employee occupying an established position may request a transfer from one position to a comparable position by making the request to the Mayor, provided the employee possesses the appropriate qualifications for the position, the employee is not serving an original probationary period, and the position is vacant.

Cross-reference: See Announcement of Vacant Positions, Section II.A.1.(b), for transfer procedures.

D. Promotion:

Any employee occupying an established position may apply for promotion to a higher position by making the request to the Mayor, provided the employee possesses the appropriate qualifications for the position, the employee is not serving an original probationary period, and the position is vacant.

Cross-reference: See Announcement of Vacant Positions, Section II.A.1.(b), for promotion procedures.

\*For additional Conditions of Employment, See Appendix A (Code of Ethics).

E. Progressive Discipline/Uniform Disciplinary Code:

1. The city believes in the application of progressive discipline; however, the city reserves the right to skip any step or requirement in the disciplinary action sequence outlined below, depending on the severity of the misconduct or when the facts and circumstances warrant otherwise.
2. Except as otherwise provided for by Kentucky Revised Statutes, when an employee fails to follow any rule, regulation, operating procedure or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:
  - a. Verbal warning (reprimand):
    - (1) In the case of a minor infraction, the Department Director shall administer a verbal reprimand without rancor and explain the actions necessary to correct the problem as soon as possible after the offense.
    - (2) The date of the reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have made, shall be noted and placed in the employee's personnel file by the person giving the reprimand.
  - b. Written warning:
    - (1) Upon the occurrence of a second minor infraction, the Department Director shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.
    - (2) Written warnings shall indicate corrective action and state that the employee's performance will now be reviewed on a regular basis for improvement, and explain the consequences of continued infractions.

- (3) The employee shall sign the written warning or the warning shall be signed by a witness; a copy of the written warning shall be forwarded to the Human Resources Officer to be placed in the employee's personnel file.

c. Suspension:

- (1) After either a serious violation or repeated minor violations, the Department Director may request that the Mayor suspend the employee with or without pay. The request shall include the reason(s) for the suspension, along with details of previous disciplinary action taken against the employee. (In the event that the employee is endangering or is a threat to endanger self or others, the department director shall immediately remove the employee from the workplace.)
- (2) The Mayor may suspend an employee with or without pay for any period up to and including four calendar weeks, depending upon the severity of the offense; however, a maximum time limit shall not apply when an employee is suspended due to an investigation of an alleged offense.
- (3) The suspended employee shall be notified of the suspension in writing within five working days after the time of suspension. The notice shall include the reason(s) for and, if known, duration of suspension.
- (4) Employees suspended without pay for a period of four working weeks or more shall forfeit fringe benefits, including accrual of personal leave and vacation leave, and the city's contribution to life and medical insurance during the period of suspension.

d. Dismissal:

- (1) Employees may be dismissed when offense(s) is/are continually repeated, when misconduct is serious enough for discharge on the first offense, continued inefficiency, or inability to perform the duties of the position satisfactorily.
- (2) Final and formal discharge of an employee shall be the responsibility of the Mayor.
- (3) Provided the notification was made in writing, a copy of the notification shall be placed in the employee's personnel file.
- (4) Any disciplinary action which could potentially result in dismissal shall require that a pre-disciplinary hearing be offered to the employee prior to the determination of the dismissal. If the hearing is held, either the employee or the city shall have the opportunity to be represented by legal counsel and call witnesses as necessary. (Employees shall be solely responsible for their legal expenses.)

- e. Demotion or transfer:
  - (1) In the event that an employee becomes unable to perform the duties as stated in the class specification, the employee may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.
  - (2) Any actions shall be recorded in the employee's personnel file.
  
- 3. All disciplinary action records shall be current for a period of two years, after which time the records shall be placed in the employee's inactive file and may be used only if future action of the employee bridges back to the inactive file.
  
- 4. Common infractions: The following is a list of common infractions. While this list does not include all actions that call for disciplinary action, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient workforce:
  - a. Incompetence;
  - b. Inefficiency;
  - c. Insubordination;
  - d. Dishonesty, which shall include:
    - (1) Deliberately making or using falsified records, materials requisitions, etc;
    - (2) Lying;
    - (3) Unauthorized personal use of city property;
    - (4) Theft of property;
    - (5) Deliberate waste;
    - (6) Falsifying the Employment Application Form.
  
  - e. Immoral or improper conduct;
  
  - f. Neglect of duty, which shall include:
    - (1) Repeated failure to be at work station at starting time;
    - (2) Leaving assigned work area without permission;
    - (3) Failure to attend scheduled meeting;
    - (4) Refusal to accept reasonable work assignment;
    - (5) Stopping work before specified time;
    - (6) Deliberate interruption of work;
    - (7) Loitering, loafing or sleeping on job;
    - (8) Unsatisfactory work or attitude.
  
  - g. Neglect or mishandling of equipment;
  - h. Excessive absenteeism;
  - i. Failure to keep time cards accurately or completing another employee's time card;
  - j. Fighting or horseplay on city premises at any time;
  - k. Attempting bodily injury to another person;
  - l. Failure to observe safety rules;

- m. Abusive or obscene language;
- n. Discourtesy to the public or fellow employees;
- o. Conviction of a felony or a crime involving moral turpitude, in accordance with KRS 335B;
- p. Untidy attire, torn uniforms, and other failures to maintain a clean, neat appearance;
- q. On-duty or off-duty activities that discredit the individual or organization or cause inefficiency in performing assigned duties;
- r. Reporting to work under the influence of intoxicants or illegal drugs, or using intoxicants or illegal drugs while on duty (including lunch time);
- s. Improperly discussing or disclosing confidential information;
- t. An accumulation of minor infractions;
- u. Violation of (or failure to report violation of) job-related federal or state laws or administrative regulations;
- v. Failure to follow any rule, regulation, operating procedure or job requirement not specifically mentioned above.

F. Resignation:

1. An employee who resigns from employment with the city is requested to inform the Department Director of the intended resignation as soon as possible after the decision to resign is made. The notice should be in writing, and should include the effective date of the resignation. Unless approved in advance, failure to give at least two weeks notice may be cause for denying future employment with the city and may be cause for the city's refusal to give a recommendation if contacted by other employer(s).
2. An employee's resignation and its attendant reasons, if noted, shall be recorded in the employee's personnel file.
3. Unless specified by the Mayor, the official employment date of an employee who resigns and is reemployed shall be the latest date of employment.
4. Any employee who is absent from work for three (3) consecutive days without notifying the employee's Department Director of the reason(s) for the absence will be considered to have abandoned the job and will be terminated from employment with the city.

Cross-reference: See Leave of Absence without Pay, Part V.H.

G. Reduction-in-Force:

1. The city may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the city.
2. Consideration shall be given to both the seniority and merit of employees being considered for layoff.
3. Temporary, seasonal and probationary employees shall be laid off before employees occupying established positions within class(es) affected by the layoff.
4. One week before the effective date of the layoff of an employee occupying an established position, the Mayor shall notify the employee of the layoff in writing. The notice shall explain the reason(s) for and duration of the layoff (if known), and a copy of the notice shall be placed in the employee's personnel file.
5. An employee who has a satisfactory record of service, and is laid off, shall be eligible for reemployment in another position, providing that the employee meets the qualifications for the position and that the position is vacant.

H. Loss of Job Requirement:

Any employee who is unable to perform the duties and requirements of the employee's position because of loss of necessary license or other requirement may, at the discretion of the Mayor, (1) be reassigned to a vacant position, provided the employee meets the qualifications required for the position and the position is vacant; or (2) be separated from the city service.

I. Mandatory Retirement Age: The city does not have a mandatory retirement age.

J. Examinations:

1. If there is reasonable cause to believe that it is warranted, the Mayor may require any employee to submit to a physical or mental examination by a medical professional selected by the city to insure competency to complete assigned duties.
2. The city shall pay the costs (including necessary travel costs) for all required examinations.

K. Political Activity:

1. No employee shall be required to contribute to or campaign for any candidate for political office as a condition of employment or continued employment.
2. Employees of the city shall neither engage in political activity during the employee's assigned duty hours nor wear uniforms identifying the city as the employer while engaging in political activity during non-duty hours.

L. Workplace Harassment (Including Sexual Harassment) and Discrimination:

1. The city (the employer) is responsible for creating and maintaining a working environment free of discrimination and harassment, including sexual harassment. This responsibility requires positive (affirmative) action where necessary to eliminate such practices or remedy their effects. The employer is responsible for providing education and training programs for all employees, especially for managerial and supervisory personnel concerning discrimination, harassment, sexual harassment, and diversity.
2. Managerial and supervisory personnel are responsible for creating and maintaining a work environment free of discrimination and harassment, including sexual harassment, promptly investigating complaints of discrimination, harassment, and taking corrective action to prevent prohibited conduct from reoccurring.
3. Employees are responsible for respecting the rights of their co-workers and avoiding discriminatory or harassing actions, including sexually harassing conduct.
4. These policies apply to all officers and employees of the city in all locations in the city, and all person(s) outside city employment who interact with city officers and employees. The present state of law suggests that all harassment, including sexual harassment, is based on the views and reactions of the person toward whom the conduct is directed, not those of the person who is accused of sexual harassment. That the offending party did not intend to commit harassment or sexual harassment, or do not believe that he or she was harassing the other person, may be no excuse for the illegal conduct.



5. Harassment:

- a. Harassment is conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment, has the purpose of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.
- b. The city policy prohibits harassment of one employee by another employee or supervisor. Prohibited conduct by city policy includes, but is not limited to, epithets, slurs, negative stereotyping, innuendoes, jokes, disparaging remarks, verbal conduct consisting of crude or vulgar language, inquiries and disclosures, and offensive verbal comments and commentary, or threatening, intimidating, or hostile acts, written or graphic material that denigrates or shows hostility or aversion that is on the employer's premises or circulated in the workplace.

6. Sexual harassment:

- a. The city prohibits sexual harassment of one employee by another employee or supervisor. Acts of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when (1) submission to such 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 employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- b. All employees should refrain from touching or intruding in the personal space of another (generally defined in our culture as two to three feet), sexual innuendoes or jokes, disparaging remarks, verbal conduct consisting of crude or vulgar language of a sexual nature, and inquiries or disclosures of sexual habits or proclivities, sexist remarks, repeated offensive sexual flirtations, advances, propositions, and repeated verbal commentaries and sexually suggestive conduct. All employees shall assume that all such behavior listed in this paragraph is unwelcome at any, every, each, and all times unless express explicit verbal or written permission is granted for such behavior on each separate occasion. The fact that such permission has been granted once does not mean that such behavior may ever be permitted again.

7. Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practices of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful by the federal or state statutes.

8. Retaliation:

- a. Disciplining, changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted discrimination or harassment (including sexual harassment) is prohibited.
- b. Any officer or employee of the city or any person(s) outside city employment who feels aggrieved by an act of discrimination or harassment (including sexual harassment) shall immediately file a grievance as set forth in the Grievance Procedure section of these policies and procedures. The city will promptly respond to any grievance.
- c. Subsequent to exhausting all such administrative remedies as may be available to the staff member or other employee by law and upon a finding of a violation of this policy, the offender will be subject to strongest disciplinary action as may be justified, including termination of employment under the circumstances.

Cross-reference: See Grievance Procedure, Appendix B

M. Outside Employment:

1. Employees desiring to perform outside employment (defined as any paid employment performed by an employee in addition to employment with the city) shall, in advance, request approval by forwarding a written request through the Department Director to the Mayor. The request shall state the type of employment, hours of work, name of prospective employer, and place of prospective employment for each employment opportunity.
2. The Mayor may grant the request, provided the following criteria are met:
  - a. Such employment shall not:
    - (1) Interfere with the performance of the employee's duties;
    - (2) Involve a conflict of interest or conflict within the employee's duties;
    - (3) Involve the performance of duties which the worker should perform as part of employment with the city; and/or
    - (4) Occur during the employee's regularly assigned working hours.
3. The employee shall consider the employment with the city as the primary job and will make arrangements with any outside employer to be available in the event the employee is called for emergency service by the city.
4. Acceptance or continuance of unapproved outside employment shall be reason for disciplinary action.

Cross-reference: See City of Dry Ridge Code of Ethics, Appendix A

N. Use of City Property, Equipment and Personnel:

No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless the use is specifically authorized by a stated city policy or upon written approval by the Mayor.

Cross-reference: See City of Dry Ridge Code of Ethics, Appendix A

O. Employee Evaluation:

1. All employees occupying established positions shall be evaluated at least annually on an evaluation form approved by the Mayor, except that employees shall be evaluated at least quarterly during probationary periods.
2. Evaluations shall be conducted by the immediate supervisor, who may consult with the Department Director during the evaluation process. The Department Director shall review the evaluation with the employee being evaluated; any employee who disagrees with the evaluation may complete written rebuttal within ten days after the review, which shall be attached to the evaluation form.
3. The evaluation shall be used to inform employees of how well they are performing their assigned work and how they can improve performance. In addition, the evaluation may be used in determining order of layoff, as a basis for training, promotion, demotion, transfer or dismissal, and for other purposes as set forth in these policies and procedures.
4. A copy of the evaluation shall be placed in the employee's personnel file.

P. Exit Interview:

Employees are requested to participate in an exit interview upon termination of employment with the city for any purpose. All keys, identification card, and city property still in the employee's possession shall be turned in to the Human Resources Officer during the exit interview.

Q. Residency Requirements:

The city does not have a residency requirement; employees scheduled to be on-call may be required to reside within a radius that allows reasonable response time in a safe manner.

R. Suggestion System:

Employees are encouraged to submit suggestions that could allow a more efficient and effective operation. Suggestions should be submitted through the department director to the Mayor. Employees who submit suggestions that are implemented will receive recognition at the time the suggestion is implemented.

S. City-Owned Vehicle Usage:

The purpose of this policy is to ensure the safety of those individuals who operate city vehicles and equipment to provide guidance on the proper use of city vehicles and equipment.

1. It is the driver's responsibility to operate the vehicles and equipment in a safe manner and to drive defensively to prevent injuries and property damage.
2. City owned vehicles and equipment are to be driven by authorized employees only, except in case of repair testing by a mechanic.
3. Drivers are responsible for the security of city vehicles and its contents assigned to them.
4. Drivers shall have a valid operator's license for the type of vehicle being driven.
5. All drivers and passengers in city vehicles and equipment shall use seat belts and/or appropriate restraints while in the city vehicle or equipment.
6. Drivers must not operate vehicles while under the influence of alcohol, drugs or prescription drugs that may cause drowsiness.
7. Drivers shall abide by all traffic signs and laws.
8. Vehicles are not to be taken out of the county unless on official business. \*(Company business is defined as driving at the direction, or the benefit, of the city. It does not include normal commuting to and from work.)
9. All accidents in company vehicles, regardless of severity, must be reported to the supervisor from the scene during the same day, or as soon as practicable. Accidents that result in property and/or personal damage shall be reported to the police immediately, then to the supervisor.
10. Drivers must report all ticket violations received during the operation of a city vehicle to the employee's appropriate supervisor within 24 hours after receiving the ticket.
11. Failure to stop after an accident and/or failure to report an accident shall result in disciplinary action, up to and including termination of employment.

12. Motor vehicle records will be obtained on all employees who are responsible for driving city vehicles prior to employment and no less than annually while employed by the city. A driving record that fails to meet the criteria stated in this policy, or is considered to be in violation of the intent of this policy, shall result in a loss of the privilege of driving a company vehicle.

Cross-reference: See Section III.G, Loss of Job Requirement, for additional requirements.

13. Strict enforcement of this policy shall be the responsibility of all supervisors and shall be administered in accordance with the progressive discipline section of these policies and procedures.

T. Inclement Weather:

1. In the event of occurrence of weather conditions in which travel to and from work may jeopardize the safety of employees, the city offices will be closed. Employees will be notified appropriately of this action.
2. When safety considerations exist, an employee may report to the department director that he/she has exercised personal judgment and will not report for work. If the office is not subsequently closed, the time off will be charged against either vacation leave or leave without pay at the employee's discretion.

U. Carrying of Deadly Weapons Prohibited:

1. Unless an employee is required to carry a weapon as a job requirement, employees shall not be in possession of deadly weapons on city premises, including personal vehicles and city-owned vehicles.
2. Deadly weapon shall be defined as:
  - a. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged; and/or
  - b. Any knife, except an ordinary pocketknife or other knife routinely used in the performance of city duties.

V. Violence in the Workplace:

1. Threats, threatening and/or abusive behavior, or acts of violence against employees, customers, visitors, or other individuals by anyone on city property will not be tolerated. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises shall be removed from the premises as quickly as safety permits, and shall remain off city premises pending the outcome of an investigation. Upon completion of the investigation, the city will initiate an immediate and appropriate response which may include, but not be limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.
2. Employees are responsible for notifying the department director of any threats they witness or receive, or that they are told another person witnessed or received. Even without a specific threat, employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on city premises or is connected to city employment or business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
3. Every attempt will be made to maintain the anonymity of the reporting employee. However, the information may be reported to a law enforcement agency or other governmental agencies, so strict confidentiality cannot be guaranteed.

W. Computer, Information Systems and Electronic Mail Policy:

1. This policy sets forth the city's policy on use of computers, information systems and disclosure of electronic mail messages sent or received by employees. This policy may be changed at any time.
2. Computers, computer files, the e-mail system, facsimile machines and software furnished to employees are property of the city and intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization.
3. The electronic mail and other information systems including facsimile machines of the city are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
4. There is to be no display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, sexual orientation, age, disability, or religious or political beliefs.

5. The purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the employer does not have the right to produce such software for use on more than one computer.
6. The computers, facsimiles and e-mail system should not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
7. All computer files, facsimiles and e-mail messages are records of the city, and the city reserves the right to access and disclose all computer files and messages sent over its electronic systems for any purpose except where legally prohibited.
8. For privacy reasons, employees should not attempt to gain access to another employee's computer files and e-mail messages without the employee's express permission. However, the city reserves the right to enter an employee's computer or e-mail files if to do so would protect or serve the best interest of the city.
9. Employees should notify their appropriate supervisor or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

X. Social Networking Policy:

1. City employees who use social networking sites, personal blogs, the world-wide web, and other mediums of electronic communication shall comply with the following:
  - a. Employees cannot imply or infer that posted information is the opinion or position of the city.
  - b. Employees must be clear that their comments clearly state that they are not the views of the city.
  - c. Photographs of city property, including insignia of the city and other city property such as uniforms, vehicles, etc. shall not be posted.
2. City employees shall comply with this policy during both working and non-working hours.

Y. Drug-Free Workplace Policy:

1. For the city's drug-free workplace policy, see Appendix C

Z. Exposure Protection Plan:

1. For the city's exposure protection plan, see Appendix D

AA. Return-To-Work Policy:

1. For the city's temporary limited duty policy, see Appendix E.



## PART IV: CLASSIFICATION PLAN

### A. Allocations:

In the classification plan authorized by the personnel ordinance:

1. Each established position shall be assigned to an appropriate class on the basis of the duties and responsibilities of the position;
2. A class may include one or more positions.

### B. Written Specifications:

1. Each class shall have a specification that includes:
  - a. A concise, descriptive title;
  - b. A description of duties and responsibilities of the class; and
  - c. A statement of desirable qualifications for the position.
2. All positions in a class shall be sufficiently alike to permit:
  - a. The use of a single descriptive title;
  - b. A description of each of the duties in the class;
  - c. The same qualifications for each position;
  - d. The use of the same tests of competence for each position; and
  - e. Application of the same pay range to each position.

### C. Regular Review/Evaluation:

1. The Human Resources Officer shall insure that the duties and responsibilities of each class are reviewed periodically. If necessary, the Human Resources Officer shall recommend reclassification of position(s), the creation of new classes, or the abolition of existing classes.
2. All changes shall be made by amendment of the personnel ordinance upon the Mayor's recommendation and approval by the City Council.

### D. Reclassification:

1. The Human Resources Officer shall recommend reclassification of a position after its duties and responsibilities change materially and it is no longer comparable with other positions in the class.
2. Whenever the duties of a position so change that no appropriate class for it exists, the Human Resources Officer shall prepare an appropriate class specification for the position and submit it for reclassification to the new class.

3. Reclassification of a position may not be used to avoid a restriction concerning demotion, promotion, or compensation.
4. When creating a new class, the format of existing specifications shall be maintained, including all required sections.
5. All classification changes shall be made by amendment of the personnel ordinance by the City Council.
6. Reclassification of positions must be accompanied within the limits of the current budget.

E. Categories of Employment:

1. All employees of the city shall be classified full-time, part-time, temporary or seasonal, or assigned; definitions of each follow:
  - a. Full-time employee: An employee who works occupies an established position and works 30 hours or more per week on a regularly scheduled basis;
  - b. Part-time employee: An employee who occupies an established position and works less than 30 hours per week, on a regularly scheduled basis;
  - c. Temporary employee: Temporary appointments are made on a full-time or part-time basis to a temporary or established position for a specific period of time not to exceed twelve (12) months; individual appointments to temporary positions shall not be repeated.
  - d. Seasonal employee: Seasonal appointments are made on a full-time or part-time basis for a specified period of time not to exceed nine (9) months; individuals appointed to a seasonal position may repeat as seasonal employees.
  - e. Assigned employee: An employee made available to the city by another agency.
  - f. Pool personnel: Fire Department personnel who are not regularly scheduled to work, but report for work when requested by the Department.
2. Only full-time or part-time employees may occupy established positions.
3. Full-time employees in established positions shall be entitled to all benefits provided by the city. Unless recommended by the Mayor and approved by the City Council in advance, all other employees shall not be entitled to any benefits except those required by federal or state law; however, part-time employees in established positions shall receive one week of vacation (equal to the average number of hours usually worked weekly) with pay annually.

## PART V: COMPENSATION PLAN

### A. Pay Plan:

The city's pay plan shall prescribe for each class a minimum and maximum rate of pay, and employees in established positions shall be compensated at a rate no less than the minimum amount and no more than the maximum amount of the pay grade to which the class is assigned.

### B. Hours of Work:

Each employee shall work according to a schedule of hours determined by the Department Director, subject to approval of the Mayor. Any changes in scheduled work hours must be approved by the Department Director.

### C. Overtime:

1. In order to determine whether an employee will receive overtime pay for hours worked in excess of 40 hours per week, each class shall be declared "exempt" or "non-exempt" in accordance with the provisions of federal and state wage and hour laws; the designation shall be placed on each class specification:
  - a. Employees in exempt classes shall not receive overtime pay.
  - b. Employees in non-exempt classes shall receive overtime pay at the rate of one and one-half times the regular hourly wages for actual hours worked in excess of 40 hours in any workweek. However, non-exempt employees may be required to take time off during the same workweek to avoid overtime hours.
2. Overtime pay will be granted for actual hours worked, except that time off with pay shall be considered as hours worked for overtime purposes.
3. Overtime work shall be approved in advance by the employee's Department Director whenever possible, and shall be kept at the minimum consistent with maintenance of essential services and the city's financial resources.

### D. Compensatory Time:

1. Employees in non-exempt positions:
  - a. The 2008 General Assembly enacted legislation that permits municipalities to elect to allow compensatory time for employees in non-exempt positions at the rate of one and one-half hours for each hour worked over 40 in any workweek. The City elected not to allow compensatory time in lieu of overtime pay, and to continue to pay overtime at the rate of one and one-half times the employee's regular rate of pay for all hours worked over 40 in any workweek.

2. Employees in exempt positions:

- a. Employees who are exempt from overtime provisions shall receive compensatory time for all hours worked over the regularly scheduled hours in any workweek.
- b. Compensatory time shall be credited on an hour-for-hour basis up to a maximum of 100 hours.
- c. Employees shall not be compensated for unused compensatory time upon termination of employment with the city.
- d. Employees taking compensatory time off shall request approval as far in advance as possible.

E. On-Call Duty:

Employees that are scheduled for on-call duty shall be responsible for working on Saturday and Sunday. In the event the time required to complete work assignments is less than four hours, the employee shall be compensated for a minimum of four hours. In the event the work assignments require time in addition to the four hours, the employee shall be compensated for additional time worked.

F. Workweek:

1. The official workweek shall begin and end on Sunday at 8:00 a.m., except that the workweek shall begin and end at the beginning of the Sunday a.m. shift for Fire Department personnel assigned to 24-hour shifts.
2. The city may change the official workweek at any time, but not to avoid overtime requirements.

G. Time Cards:

Each Department Director shall forward signed time cards to the Human Resources Officer or designee at the end of each pay period. The time cards shall indicate actual hours worked each day and identify reason(s) for any absences during the regularly scheduled work hours (vacation leave, personal leave, etc.) for the pay period.

H. Periodic Review:

1. On a regularly scheduled basis the Mayor shall insure:
  - a. The comparison of the salary rates, compensation policies, and the personnel policies and procedures of the city with those of other employers in the labor market area;
  - b. The analysis of fluctuations in the cost of living;

- c. Examination of the salary range for each class in the classification plan to ascertain whether minimum and maximum salaries should be raised or lowered for a particular class or classes during the succeeding twelve months; and
    - d. Upon the basis of the comparison, analysis and examination, recommendation of any necessary changes to the Mayor.
  - 2. All changes must be made by amendment of the personnel ordinance.
- I. Implications of Personnel Actions:
  - 1. Reclassification of an employee's position from one class to another of comparable pay range shall effect no change in salary for the employee.
  - 2. An employee whose position is reclassified from one class to a higher class shall enter the higher class at its minimum salary. If the minimum is lower than, or the same as, the employee's salary at the time of the reclassification, the employee shall retain at least the present salary.
  - 3. An employee whose position is reclassified from one class to a lower class shall:
    - a. Retain that salary if the employee's salary at the effective date of the reclassification does not exceed the maximum salary for the position of the lower class; or
    - b. Receive only the maximum if the employee's salary exceeds the maximum.
  - 4. Whenever a recommendation that a position be reclassified to a class that requires a higher salary is presented to the City Council, an estimate of the financial implications shall accompany the recommendation.
  - 5. If an employee enters a higher class by promotion, the salary in the higher class shall be the minimum salary for that class unless the minimum is lower than, or the same as, the salary at the time of promotion. All promotions shall result in an increase in salary for the employee being promoted.
  - 6. If an employee is demoted, the employee shall be paid no more than the maximum amount in the grade to which the employee's new class is assigned.
  - 7. When an employee transfers from a position in one class to a position in an equivalent class, the transfer shall effect no change in rate of pay.

J. Minimum Salary:

1. Newly employed personnel shall receive the minimum salary for the class to which the position is allocated. Appointments may be made at a salary above the minimum for a class in cases of unusual difficulty in filling the position or if necessary in order to hire exceptionally qualified personnel.
2. Documented justification for either instance shall be required prior to the actual appointment.

K. Salary Increases:

1. The annual budget recommended by the Mayor to the City Council may include salary increases for the budget year effective July 1 annually, and individual adjustments may be made during the year as necessary.
2. All recommended increases shall be subject to the availability of revenues and the budget.

L. Annual Salary Adjustments:

1. An annual salary adjustment may be awarded to employees one time per year in December by separate check in accordance with the following schedule:

a.	00 to 04 years of service	1% of annual salary
b.	05 to 09 years of service	2% of annual salary
c.	10 to 14 years of service	2.5% of annual salary
d.	15 to 19 years of service	3% of annual salary
e.	20 to 24 years of service	3.5% of annual salary
f.	25 - over years of service	4% of annual salary
2. Whether or not individuals receive the annual salary adjustment will depend on the annual evaluation of each employee. The decision will be at the discretion of the Mayor.
3. The adjustment will have no effect on other salary adjustments.  
(Executive Order Number 121800, enacted 12-18-00)

## PART VI: BENEFITS

### A. Holidays:

1. The following days are declared paid holidays at the regular rate of pay for all employees occupying established full-time positions:
  - a. The first day of January (New Year's Day);
  - b. The third Monday in February (Presidents Day);
  - c. The Friday preceding Easter Sunday (Good Friday);
  - d. The last Monday in May (Memorial Day);
  - e. The fourth day of July (Independence Day);
  - f. The first Monday in September (Labor Day);
  - g. The fourth Thursday in November (Thanksgiving Day);
  - h. The fourth Friday in November (day after Thanksgiving Day);
  - i. The twenty-fourth day of December (Christmas Eve);
  - j. The twenty-fifth day of December (Christmas Day); and
  - k. The thirty-first day of December (New Year's Eve).
2. In addition to the above, any day may be designated as a holiday by proclamation of the Mayor or City Council.
3. When a holiday falls on Saturday, the preceding business day shall be considered the holiday; when a holiday falls on Sunday, the following business day shall be considered the holiday.
4. All employees occupying full-time established positions shall be entitled to holiday leave with pay:
  - a. Employees assigned to the Fire Department, which provides continuous coverage, whose regularly scheduled day off occurs on the day that the holiday is observed shall receive twelve hours holiday pay.
  - b. All employees who are required to work on the day the holiday is observed shall be paid time-and-one-half for actual hours worked in addition to holiday pay, except that employees assigned to a twenty-four hour shift who work on the day that the holiday is observed shall be compensated for actual hours worked and shall receive twelve hours holiday pay.

### B. Vacation (Annual Leave):

1. All employees occupying full-time established positions shall be granted vacation leave at full pay at the current rate of pay when the vacation leave is taken.

2. Employees occupying full-time established positions shall accrue vacation leave in accordance with the following schedule:
  - a. Employees who work forty hours per week:
    - (1) During the first and second years of employment - forty hours.
    - (2) During the third thru ninth years of employment - eighty hours.
    - (3) During the tenth thru fourteenth years of employment - one hundred and twenty hours.
    - (4) During and after the fifteenth years of service, eight additional hours for each additional year of service.
  - b. Fire Department personnel assigned to 24-hour shifts:
    - (1) During the first and second years of employment - sixty hours.
    - (2) During the third thru ninth years of employment - one hundred and twenty hours.
    - (3) During the tenth thru fourteenth years of employment - one hundred and eighty hours.
    - (4) During and after the fifteenth years of service, twelve additional hours for each additional year of service.
3. Employees who accrue eighty hours (or one hundred and twenty hours for Fire Department personnel assigned to 24-hour shifts) or more vacation leave during the calendar year shall be required to take at least the equivalent of one calendar week of vacation leave in one block of time. Fire Department personnel assigned to 24-hour shifts shall use vacation leave in increments of not less than eight (8) hours.
4. Vacation leave shall accrued during one calendar year and used during the following calendar year, except that up to one-half of the annual amount earned may be carried forward into the next calendar year. Vacation leave carried into the next calendar year must be used before July 1.
5. Vacation leave may not be taken by employees serving an original probation period; employees on probation as a result of promotion may take accrued vacation leave.
6. Requests for vacation leave shall be submitted to the Department Director in advance (one month in advance is preferred); vacation leave may be disapproved if the employee's services are needed at the time vacation leave is requested.
7. After the original probation period, any employee who terminates employment with the city shall be compensated for all accrued but unused vacation leave.
8. When a former employee is reemployed, the Mayor shall determine whether or not the person receives credit for the previous employment period for the purpose of accruing vacation leave.



9. Employees absent because of sickness or off-duty injury may use accrued vacation leave after accrued personal leave has been exhausted.
10. Payment for vacation leave in lieu of time off shall not be granted.
11. The Human Resources Officer shall insure that records are kept for vacation leave allowance, vacation leave taken, and the current amount of accrued leave for each employee; vacation leave taken shall be limited to the current amount accrued unless approved in advance by the Mayor.
12. Part-time employees in established positions shall be granted one week of vacation leave per year, based on the average number of hours worked each week.

C. Personal Leave:

1. All employees occupying full-time established positions shall accrue personal leave at the rate of eight (8) hours for each completed month of service, except that sixteen (16) hours shall be accrued at the end of November and zero (0) hours shall be accrued at the end of December. [Fire Department personnel assigned to 24-hour shifts shall accrue twelve (12) hours for each completed month of service, except that twenty-four (24) hours shall be accrued at the end of November and zero (0) hours shall be accrued at the end of December.]
2. Personal leave is to be used at the discretion of the employee, subject to approval of the Human Resources Officer. Fire Department personnel assigned to 24-hour shifts shall use personal leave in increments of not less than eight (8) hours.
3. Employees may carry no more than eight (8) hours into the next calendar year (except that Fire Department personnel assigned to 24-hour shifts may carry twelve (12) hours into the next calendar year. Personal leave carried forward into the next calendar year shall be used before July 1.

D. Disability Leave:

1. Any employee who suffers injury or illness as a result of service connected accident or illness shall notify the Department Director immediately; in no instance shall the report be made later than twenty-four hours after the injury or illness was sustained.

2. Employees who are absent from work due to on-the-job injury or illness may continue to be paid the regular salary until the workers' compensation becomes effective, provided the employee agrees to the following in writing:
  - a. The employee will turn over the workers' compensation check to the city when it is received for any leave for which the employee has already been paid the regular salary; and
  - b. The city will deduct an equivalent number of personal leave if it is later determined that the employee was ineligible for workers' compensation insurance.
3. Employees shall continue to accrue vacation leave and personal leave while on disability leave due to service-connected accident or illness for a period of six months after each accident or illness.
4. The city will continue to pay the health insurance premium costs for employees while on disability leave due to service connected accident or illness for a period of six months after each accident or illness, after which time the employee shall be responsible for the total costs until the employee returns to work.

E. Temporary Disability Not Covered By Workers' Compensation:

1. Employees who are temporarily unable to perform the job duties may be allowed to use accrued personal leave, then accrued vacation leave.
2. Employees shall not use personal leave or vacation leave while being paid by the insurance company that provides the city's short-term disability insurance policy.
3. An employee with a temporary disability that prohibits him/her from working who does not have accrued personal leave or vacation leave, and who is not participating in the short-term disability insurance policy, shall be considered off-duty without pay, provided the Mayor has approved the absence in advance.

Cross-reference: See Leave of Absence without Pay, Section VI.(I).

F. Maternity Leave:

1. Maternity leave may be granted for employees with temporary disability due to pregnancy, childbirth, or any impairment thereof, and miscarriage for a period not to exceed three calendar months. An additional period may be granted if required by a medical professional.
2. The employee may use any accrued personal leave, then accrued vacation leave, and the remaining period will be time off without pay.

Cross-reference: See Leave of Absence Without Pay, Section VI.(I).

G. Family and Medical Leave:

1. The federal family and medical leave act applies to all public agencies. However, employees of public agencies must meet all of the requirements of eligibility, including the requirement that the employer employ 50 or more employees for FMLA eligibility. The City does not employ 50 or more employees at the time of adoption of this policy, so the FMLA does not presently apply to employees of the City.

H. Bereavement (Funeral) Leave:

1. Employees occupying established positions may be granted paid funeral leave for a period up to twenty-four hours in the event of death in the immediate family. The employee will receive regular pay for any scheduled workday that occurs during this period. For the purposes of this section, "immediate family" shall be defined as spouse, children, step-children, parents, grandparents, grandchildren, brothers, sisters, immediate in-laws of the same relations to the spouse, and persons domiciled in the employee's household. The Mayor may authorize additional time in extenuating circumstances.
2. Up to twenty-four hours may be granted and charged to personal leave for the death of other persons connected with the employee.

I. Leave of Absence without Pay:

The Mayor may authorize special leaves of absence without pay for employees in established positions for any period or periods not to exceed six months:

1. An employee desiring a leave of absence must submit a written request to the Mayor detailing the reason(s) for and expected duration of the leave.
2. Leave without pay will be granted only when it will not adversely affect the city's work effectiveness.
3. Failure to return to work at the expiration of approved leave shall be considered as absence without leave and subject to the city's disciplinary policy. Employees who fail to return to work for three consecutive days without notifying the Department Director shall be considered to have abandoned the job and shall be removed from employment with the city.
4. An employee desiring to return to work before the expiration of the approved leave period may be required to give the city at least two weeks notice. Upon receipt of written notice, the Mayor may approve the employee's early return to work.

5. During the period of leave without pay, the employee shall not accrue personal or vacation leave; in addition, the employee shall be responsible for the full amount of health insurance costs, which shall be paid to the city prior to the beginning of the month covered by the health insurance.

J. Absence without Leave:

Regardless of the length of time, any absence of an employee from duty that is not authorized in advance shall be considered absence without leave, and the employee will be subject to the city's disciplinary policy.

Cross-reference: See Resignations, III.F.

K. Emergency Leave:

When an employee is absent from work due to circumstances beyond the employee's control, the Mayor may grant emergency leave. Such leave may be charged to vacation leave, or may be granted on the basis of leave without pay.

Cross-reference: See Leave of Absence Without Pay, Section VI.(I).

L. Military Leave:

1. Any employee occupying an established position who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties without loss of time, pay, regular leave, impairment of efficiency reassign, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders, for a period in any calendar year not to exceed that specified in this section. In any one (1) federal fiscal year, any employee, while on military leave, shall be paid his/her salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. (KRS 61.394, 61.396).
2. A written request for military leave, along with a copy of the training orders, must be submitted at least two weeks before the effective date of the leave.
3. Leave for training other than annual mandatory training must (1) be arranged by employees for non-working days; or (2) be deducted from accrued vacation leave; or (3) be classified as leave without pay (if approved in advance by the Mayor).
4. The city shall comply with federal law when employees occupying established positions are called to active duty.

M. Jury Duty:

1. When an employee is required to serve on a jury, the employee shall be compensated at the normal rate of pay while serving on jury duty; compensation received by the employee from the Court shall be turned over to the city with the exception of meal or travel expenses incurred. All employees serving on jury duty shall be absent from work only during the times required by the courts.
2. Employees summoned as a plaintiff or a defendant in a proceeding involving or arising from outside employment or personal business shall not be entitled to leave with pay, but may use accrued vacation leave during the absence.

N. Insurance:

1. Health Insurance: The city's contribution to health insurance for employees in full-time established positions shall be determined annually during the budget process.
2. Life Insurance: The city pays full costs for a term life insurance policy for employees occupying full-time established positions.
3. Short Term Disability Insurance Policy: The city pays total costs.
4. Worker's Compensation Insurance: The city pays total costs.
5. Unemployment Insurance: The city pays total costs.
6. See the City Clerk/Treasurer for specific information relating to insurance benefits provided by the city.

O. Retirement:

1. All employees who work 1200 hours or more per year shall participate in the County Employees Retirement System (CERS). Both the city and participating employees contribute amounts as determined by CERS.
2. Social Security: The city and its employees contribute amounts at the rate determined by Congress.

P. Expense Reimbursement:

1. No officer or employee of the city shall receive or be allowed any lump-sum expense allowance or contingent fund for personal or official expenses (KRS 64.710).
2. The Expense Reimbursement Form must be completed and signed by the employee requesting reimbursement, the Department Director, and the Mayor (or designee), then submitted to the City Clerk for payment within three working days after returning from travel; all required receipts for expenses must be attached to the form when submitted.
3. The Expense Reimbursement Form must be signed by the employee requesting reimbursement, the Department Director, and the Mayor (or designee).

Q. Career Development:

1. All employees of the city are encouraged to participate in in-service and/or educational programs that will enhance career development:
  - a. In-service training:
    - (1) The following are provided for employees participating in approved in-service training programs:
      - (a) Registration fees and travel expenses paid by the city;
      - (b) Time off with pay to attend programs if held during regular working hours.
      - (c) Paid membership for professional organizations, subject to advance approval of the Mayor.
  - b. Professional certification:
    - (1) Registration fees, certification costs, and travel expenses paid by the city;
    - (2) Time off with pay to attend certification programs or required examinations if held during regular working hours.
    - (3) The city will pay for annual license renewal fees and for licenses benefiting the operation of the service, upon approval of the Mayor.

c. Educational assistance:

- (1) Full-time employees in established positions may be reimbursed for tuition costs for up to three classes (maximum of nine semester hours) per year at an accredited college or university, subject to the following:
  - (a) The department must have sufficient funds to pay for the expenditure(s);
  - (b) The Department Director and Mayor must approve the course(s) in advance;
  - (c) The classes must be specifically job-related or be required for a job-related degree;
  - (d) The employee shall attend classes during off-duty hours;
  - (e) The employee must present a transcript with a grade of "C" or better for undergraduate courses and "B" or better for graduate courses; and
  - (f) An employee who participates in the program and resigns from employment with the city shall reimburse the city for all reimbursements received during the preceding thirty-six months.

R. Taxable Benefits:

1. City Owned Vehicle Usage:

Unless specifically exempted by federal regulations, take-home city vehicles shall be a taxable benefit. Employees who drive city-owned vehicles to and from work shall be credited with additional gross income for tax purposes in the amount of \$1.50 per day for each day the vehicle is driven to work and \$1.50 per day for each day the vehicle is driven from work. [For example, an employee who drives a city-owned vehicle to and from work 10 times during the pay period shall be credited with an additional income of \$30 for tax purposes for the pay period.]

2. Uniform Policy:

- a. The annual budget process shall determine the uniform policy of the city.
- b. All employees who are authorized to wear uniforms provided by the city shall wear the uniforms during all working hours. Uniforms provided by the city shall be worn only to and from work, and while at work.
- c. If the city provides "everyday apparel" in lieu of uniforms (i.e., blue jeans, civilian clothing for sworn police personnel, etc.), the actual allowance or cost of apparel shall be considered taxable benefits and credited with additional income for the amount of the expenses for tax purposes for each pay period.

- d. Employees eligible for safety (steel-toed) shoes shall wear the shoes at all hours while at work. Safety (steel-toed) shoes shall not be considered taxable benefits.

3. Telephone Policy:

- a. The city telephones are intended for business purposes and personal use shall be limited. All cellular phones issued to employees have a basic plan, including a limited number of minutes allowable each month at no additional costs. In the event an employee exceeds the allowable minutes and/or incurs other costs (roaming, etc.) that add to total costs above the costs for basic service in any month, he/she shall reimburse the city for all costs/charges above the costs for basic service.



## APPENDIX A: CODE OF ETHICS

### GENERAL PROVISIONS

#### 1. Purpose and Authority.

- a. It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.
- b. It is the further purpose of this chapter to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.
- c. This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

#### 2. Definitions:

As used in this chapter, unless the context clearly requires a different meaning.

- a. "BUSINESS." Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.
- b. "BOARD OF ETHICS." The City of Dry Ridge Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the City's Code of Ethics.
- c. "CANDIDATE." means any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.
- d. "CITY." The City of Dry Ridge, Kentucky.
- e. "CITY AGENCY." Any board, commission, authority, Non-stock Corporation, or other entity created, either individually or jointly, by this city.
- f. "EMPLOYEE." Any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city. The term "EMPLOYEE" shall not include any contractor or subcontractor any of their employees.

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\*City of Dry Ridge Code of Ethics, Ord. 524-1994, passed Nov. 23<sup>rd</sup> 1994

- g. "FAMILY MEMBER." A spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.
- h. "IMMEDIATE FAMILY MEMBER." A spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependence for tax purposes.
- i. "OFFICER." Any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:
  - (a) The Mayor.
  - (b) A City Council member.
  - (c) The City Clerk.
  - (d) The City Finance Officer.
  - (e) The City Administrator.
  - (f) Any person who occupies a non-elected office created under KRS 83A.080.
  - (g) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.

**B. STANDARDS OF CONDUCT:**

- 1. Conflicts of Interest in General. Every officer and employee of the city and every city agency shall comply with the following standards of conduct:
  - a. No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction or activity which is in substantial conflict with the proper discharge of the officers or employees public duties.
  - b. No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted privileges or advantages for himself or herself or others.
  - c. No officer or employee shall intentionally take or refrain from taking any discretionary action or agree to take or refrain from taking any discretionary action or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action on any matter before the city in order to obtain a financial benefit for any of the following:
    - (1) The officer or employee.
    - (2) A family member.
    - (3) An outside employer.
    - (4) Any business in which the officer or employee, or any family member has a financial interest.

(5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

d. No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (C)(4) and (C)(5) of this section, as a member of any business, occupation, profession, or other group, to any greater extent that any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

e. Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

2. Conflicts of Interest in Contracts:

a. No officer or employee of the city or any city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:

(1) The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, the prohibition in subsection (A) of this section shall apply to the renewal of the contract.

- (2) The prohibition in subsection (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart (3) below are satisfied.
- (3) The prohibition in subsection A of this section shall not apply in any case where the following requirements are satisfied:
  - (a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.
  - (b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.
  - (c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, limited supply, or other specific reason.
  - (d) The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.

b. Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

3. Receipt of Gifts:

No officer or employee of the city or any city agency shall directly or indirectly through any other person or business, solicit or accept any gift on an annual basis having an accumulated fair market value of more than one hundred dollars (\$100), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence or could reasonably be expected to influence the officer or employee in the performance of his or her public duties.

4. Use of City Property, Equipment and Personnel:

No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless the use is specifically authorized by a stated city policy.

5. Representation of Interests Before City Government:

a. No officer or employee of the city or any city agency shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or any city agency.

b. Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the contest of official labor union or similar representational responsibilities.

c. Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.

d. No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

6. Misuse of Confidential Information:

No officer or employee of the city or any city agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

7. Post-Employment Restriction:

No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one (1) year after the termination of the officer's or employee's service with the city or city agency.

8. Honoraria:

- a. No officer or employee of the city or a city agency shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.
- b. Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

C. FINANCIAL DISCLOSURE:

1. Persons Who Must File:

The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Board of Ethics:

- a. Elected city officials.
- b. Candidates for elected city office.
- c. Members of the City Planning and Zoning Commission and Board of Adjustment, appointed by the appropriate appointing authority of the city.
- d. Members of the Board of Ethics created by this ordinance.
- e. City Administrator.
- f. Non-elected officers and employees of the city or any city agency who are authorized to make purchases of materials or services or award contracts, leases or agreements involving the expenditure of more than Ten Thousand Dollars (\$10,000) or more.

2. When to File Statements; Amended Statements:

- a. The initial statement of financial interests required by this section shall be filed with the Board of Ethics or the administrative official designated as the custodian of its records by the Board of Ethics, no later than 4:00 p.m., March 1, each year:
  - (1) An officer or employee newly-appointed to fill an office or position of employment with the city or a city agency file his or her initial statement no later than sixty (60) days after the date of the appointment.

(2) A candidate for city office shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected city office.

b. The Board of Ethics may grant a reasonable extension for filing a statement of financial interests for good cause shown.

c. In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Board.

3. Form of the Statement of Financial Interests:

The statement of financial interests shall be filed on a form prescribed by the Board of Ethics or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than January 15 of each year. The failure of the Board or the designated administrative official to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

4. Control and Maintenance of the Statements of Financial Interests:

a. The Board of Ethics shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Board of Ethics and/or its designated administrative official as public documents, available for public inspection immediately upon filing.

b. A statement of financial interests shall be retained by the Board of Ethics and/or its designated administrative official for a period of five (5) years after filing; provided that:

(1) Upon the expiration of three (3) years after a person ceases to be an officer or employee of the city or city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(2) Upon the expiration of three (3) years after any election at which a candidate for elected city office was not elected or nominated, the Board of Ethics shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

5. Contents of the Financial Interests Statement:

- a. The statement of financial interests shall include the following information for the preceding calendar year:
- (1) The name, current business address, business telephone number, and home address of the filer.
  - (2) The title of the filer's office, office sought, or position of employment.
  - (3) The occupation of the filer and the filer's spouse.
  - (4) Information that identifies each source of income of the filer and the filer's immediate family members exceeding five thousand dollars (\$5,000) during the preceding calendar year and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution, etc.)
  - (5) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three (3) years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more.
  - (6) A designation as commercial, residential, or rural and the location of all real property within the city or for the city's representative to a county-wide planning commission within the county other than the filer's primary residence in which the filer or any member of the filer's immediate family had during the preceding calendar year an interest of ten thousand dollars (\$10,000) or more.
  - (7) Each source by name and address of gifts or honoraria having an aggregate fair market value of one hundred dollars (\$100) or more from any single source, excluding gifts received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year.
  - (8) The name and address of any creditor owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family or household purposes.
- b. Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.



6. Noncompliance with Filing Requirements:

- a. The Board of Ethics or the City Clerk/Treasurer of the City of Dry Ridge shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.
- b. Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under subsection (A) within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed twenty-five dollars (\$25) per day, up to a maximum total civil fine of five hundred dollars (\$500). Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.
- c. Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

D. NEPOTISM:

1. Nepotism Prohibited:

- a. No officer or employee of the city or a city agency shall advocate, recommend or cause the employment, appointment, promotion, transfer, or advancement of a family member to an office or position of employment with the city or a city agency.
- b. No officer or employee of the city or a city agency shall directly supervise or manage the work of a family member.
- c. No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group and the family member benefits to no greater extent than any other similarly situated member of the class or group.

- d. The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibitions, but which existed prior to January 1, 1995.

E. ENFORCEMENT:

1. Northern Kentucky Ethics Enforcement Committee:

- a. Pursuant to KRS 65.210 to 65.300 the City has entered into an interlocal agreement with certain cities and counties in the Northern Kentucky Area Development District to establish the Northern Kentucky Regional Ethics Authority (NKREA), which will in turn establish a seven (7) member Northern Kentucky Ethics Enforcement Committee (NKEEC) to implement the requirements regarding enforcement imposed by KRS 65.003. The powers and authorities delegated to the NKREA/NKEEC are as follows:
  - (1) Maintenance of financial disclosure statements required by this chapter. All financial disclosure statements are deemed public documents and are subject to inspection under the Kentucky Open Records Act.
  - (2) Receipt of complaints alleging possible violations of the codes of ethics.
  - (3) Issuance of opinions in response to inquiries relating to the ethics codes.
  - (4) Investigation of possible violations of the codes of ethics.
  - (5) Imposition of penalties provided for in the codes of ethics.
- b. The City further delegates all powers and authorities necessary for this entity to organize itself and adopt rules of procedures as deemed necessary to accomplish these responsibilities. The NKREA/NKEEC shall elect a chairperson annually from its membership, who shall be the presiding officer and a full voting member of the Committee. Meetings of the Committee shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the Committee. To insure the orderly procedural implementation of these responsibilities, the Northern Kentucky Ethics Enforcement Committee is expressly authorized to enter into agreements with the Northern Kentucky Area Development District to provide necessary support services.

2. Reprisals Against Persons Disclosing Violations Prohibited:

- a. No officer or employee of the city or any city agency shall subject to reprisal or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.
- b. This section shall not be construed as prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses which he or she knows:
  - (1) To be false or which he or she discloses with reckless disregard for its truth or falsity.
  - (2) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.
  - (3) Is confidential under any other provision of law.

3. Penalties:

- a. Except when another penalty is specifically set forth in this ordinance, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this ordinance shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed one thousand dollars (\$1,000), which may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.
- b. In addition to all other penalties which may be imposed under this ordinance, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this ordinance shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

- c. In addition to all other penalties which may be imposed under this ordinance, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty of a violation of this ordinance shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the city or city agency or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this ordinance shall be taken in accordance with all applicable ordinances and regulations and with all applicable laws of the Commonwealth.

## APPENDIX B: GRIEVANCE PROCEDURE

### A. Employees:

1. If an employee or employee group has a complaint based on discrimination (race, color, religion, sex, age, national origin, genetics or disability) or harassment, it shall be forwarded directly to the Mayor, or to the City Attorney if the complaint is against the Mayor. The Mayor (or City Attorney) shall investigate the complaint within ten days after receiving the complaint.
2. Unless an employee or employee group is procedurally covered otherwise by state or federal law, any employee of the city who feels aggrieved by an act or decision by the administration, supervisory personnel or other officers or employees shall have the right to process the grievance in accordance with the following procedure:
  - a. The aggrieved employee shall obtain a copy of the Grievance Form from the Human Resource Officer or designee, complete the form, and present the grievance to the Department Director within three working days of its occurrence or knowledge of its occurrence (except that grievances may be submitted directly to the Mayor if the grievance is against the Department Director). The grievance (and all subsequent appeals) shall be in writing, and shall set forth the reasons and grounds for the grievance with a statement of relief sought. The Department Director shall attempt to adjust the matter, and shall respond to the employee in writing within five working days.
    - (1) The Grievance Form shall be used. Both the grievance and proposed solution to grievance sections shall be specific as to facts, names, facility involved, dates, places, etc. state specifically which law, policy, rule, regulation, procedure, condition of employment, past practice or agreement was involved and how it was violated.
    - (2) Group grievances crossing departmental lines shall be forwarded directly to the Mayor.
    - (3) An investigation may be conducted at any level of grievance by the recipient of the grievance.
  - b. If the grievance remains unresolved within the department, it may be presented by the aggrieved employee to the Mayor within three working days after receiving the Department Director's response. The Mayor may conduct an investigation or return the grievance to the employee without further action, and shall respond to the aggrieved employee in writing within thirty calendar days after the grievance is received. The decision of the Mayor shall be final.
  - c. In the event the City Council becomes involved in the grievance, its decision shall be advisory only.

3. If a hearing is held at any level, both the city and the aggrieved employee may be represented by Counsel. Subject to approval of the City Council, the city shall be responsible for payment of expenses incurred on behalf of the city for legal counsel, investigation, and preparation of evidence or documents for the hearing. The aggrieved employee shall be responsible for payment of legal counsel or other costs in the preparation or presentation of evidence on the employee's behalf in all or in any part of the proceedings.

B. Person(s) Outside City Employment:

1. If any person or persons outside the city employment, including protected class individuals, feel(s) aggrieved by an act or decision of the city legislative, executive, administrative, supervisory, or other officers or employees, the grievance shall be processed in accordance with the following procedure:
  - a. The individual may request a Grievance Form from the Human Resource Officer, complete the grievance and proposed solution to grievance sections, and forward the form directly to the Mayor. The Mayor shall respond to the grievance in writing within thirty calendar days after the grievance is received.
  - b. The completed Grievance Form shall be specific as to facts, names, facility involved, dates, places, etc., and received by the Mayor within the time limit as required by federal law.
  - c. The Mayor may conduct an investigation, and shall respond to the grievance in writing within thirty calendar days after receiving the grievance.
  - d. If the grievance remains unresolved, it may be presented to the City Council within thirty days after receiving the Mayor's response. The City Council shall respond to the grievance within the time limits as required by federal law.
  - e. Subject to approval of the City Council, the city shall be responsible for payment of expenses incurred on behalf of the city for legal counsel, investigation, and preparation of evidence or documents. The aggrieved individual(s) shall be responsible for payment of legal counsel or other costs in the preparation or presentation of evidence on the aggrieved employee's behalf in all or in any part of the proceedings.
2. If the aggrieved person or persons is not satisfied with the decision of the city, the Mayor will advise the person or persons of the available alternatives.

## APPENDIX C: DRUG-FREE WORKPLACE POLICY

### A. Definitions:

As used herein, the following words and phrases have the meanings indicated therefor:

1. "ALCOHOL." Has the same meaning therefor as that provided in KRS 241.010(1).
2. "ALCOHOLIC BEVERAGE." Has the same meaning therefor as that provided in KRS 241.010(2).
3. "DRUG." Includes any substances listed in Schedule I through V of Section 202 of the Federal Controlled Substance Act (21 USC 812), and any controlled substance within the meaning of KRS 218A.010(2), and any "alcohol" within the meaning of KRS 241.010(1), and any "alcoholic beverage" within the meaning of KRS 241.010(2).
4. "EMPLOYEES." Includes each, every, any and all full time and part time officers, employees and volunteers of the City.
5. "POSSESSION." To have actual physical possession or otherwise to exercise actual dominion and control over tangible property, including, without limitation, that within the human body by ingestion or consumption.

### B. Policy:

The city will provide and maintain a drug-free work place for employees by:

1. Establishing, publishing and enforcing the drug prohibitions and requirements provided herein as conditions of employment by and/or voluntary service to the city.
2. Establishing a drug-free awareness program for all city employees, in which they receive a copy of the city policy to provide a drug-free work place, and they are notified and informed about:
  - a. The dangers of drug dependency and abuse in the work place; and
  - b. The city's policy to provide and maintain a drug- free work place; and
  - c. The availability of programs provided and paid for by the city for the treatment, assistance and rehabilitation of employees with a condition of drug dependency or abuse; and
  - d. The disciplinary sanctions and penalties for violations of the prohibitions and requirements established by the city for a drug-free work place; and

- e. The fact that as a condition of their employment by and/or voluntary service to the city.
  - (1) City employees must abide by the terms and provisions of the city's policy to maintain a drug-free work place; and
  - (2) In the event that any city employee is convicted of any violation of any criminal drug statute which occurred during any time of work for, or service to the city, the convicted employee must notify a supervisor and the Mayor thereof within five (5) continuous calendar days thereafter.
- 3. Imposing disciplinary employment sanctions and penalties on employees who violate any prohibition, requirement or condition of their employment or voluntary service established by the city's policy to establish a drug-free work place, or are convicted of any violation of any criminal drug statute which occurred during any time of work for or voluntary service to the city.

C. Prohibitions and Requirements:

The following prohibitions and requirements are hereby established as conditions of employment and/or voluntary service to the city for all employees:

- 1. No city employee shall, during any time of work or service for the city, cause, promote, allow, aid, assist, encourage or engage in:
  - a. The unlawful manufacture, possession, use, consumption, ingestion, purchase or sale of any alcoholic beverage;
  - b. The possession, transportation, use, consumption, ingestion, purchase or sale of any alcoholic beverage;
  - c. The existence of any drug in the blood, breath, urine or other bodily substance of any employee, to such an extent that the ability thereof to safely and efficiently perform any function of the job thereof is impaired thereby, to any extent, whatsoever.
- 2. Each employee shall and must abide by the terms and provisions of this policy to provide a drug-free work place for city employees.
- 3. In the event that any city employee is convicted by a court of competent jurisdiction of any violation of any criminal drug statute during any time of work for or service to the city, the convicted employee shall and must notify a supervisor and the Mayor thereof, within five (5) continuous calendar days thereafter; and there shall be included in such notice, without limitation, the court and case number, and the statute and date of the conviction of a violation thereof.



D. Treatment Available for Employees:

The Mayor shall establish a program of treatment, assistance and rehabilitation for employees with a condition of drug dependency or abuse, which shall be provided and paid for by the city's health insurance and only to the extent covered by the city's health insurance coverage; and such employee shall be encouraged to participate therein, without any employment sanctions or discipline, or any personnel record thereof, in the absence of any violations of any other provision of this policy.

E. Drug-Free Awareness Program:

The Mayor shall establish a drug-free awareness program for all city employees, in which each of them receive a statement of the city policy to provide drug-free work place, and each of them are informed and trained about:

1. The problems and hazards of drugs in the work place; and
2. The city policy to provide a drug-free work place; and that the prohibitions and requirements thereof are conditions of employment by and/or voluntary service to the city, and that all employees and volunteers must abide thereby.
3. The potential penalties and sanctions for violations of the city's policy for a drug-free work place, and the prohibitions and requirements thereof; and
4. The availability of programs provided and paid for by the city to the extent covered by the city's health insurance plan, for the treatment, assistance and rehabilitation of employees with a condition of drug dependency or abuse.

F. Drug Testing for Job Applicants:

No applicant for employment by the city shall be accepted therefor without a test of the blood, breath, urine or other bodily substance thereof, at such times, places and circumstances determined and provided by the city, which establishes the absence of any alcohol and/or illegal drug therein. Applicants for membership in any organization of volunteers to the city are hereby specifically excluded from the requirements of this policy.

G. Drug and Alcohol Testing for Employees:

1. In the event that any supervisor has any reason to believe that a city employee is in violation of this policy, the supervisor and the Mayor shall inform the employee thereof, and provide the employee with an opportunity to explain the facts and circumstances thereof, and provide the employee with an opportunity to explain the facts and circumstances thereof, but, in the event that the supervisor and the Mayor thereafter still have reason to believe, and do believe, that the employee is in violation of this policy, the supervisor and the Mayor shall provide for the immediate examination and testing of a sample of the blood, breath, urine or other bodily substance of the employee for the nature and amount of any drugs therein, if any; and, upon completion of such sampling, or any failure or default of the employee in regard thereto, the employee shall be temporarily suspended from employment by and/or service to the city, without pay, until there is a final determination of any violation of this policy, according to law.
2. Any employee involved in a reportable accident (either personal injury or property damage) while at work or while operating city-owned vehicles and/or equipment any time shall be subjected to post-accident drug and/or alcohol testing.

H. Penalty:

Each and every city employee in violation or default of any of the provisions of this policy shall, upon a final determination thereof, according to law, be disciplined and sanctioned therefor by a decrease in salary, demotion, suspension without pay, or termination of employment, or, alternatively, by a requirement for participation in a program for the treatment, assistance and rehabilitation of city employees with a condition of drug dependency or abuse, with the cost and expense thereof provided by the city's health insurance and only to the extent covered by the city's health insurance coverage; provided, however, that the procedures for such a final determination, discipline and sanctions shall conform to all other applicable laws and ordinances.

## APPENDIX D: EXPOSURE PROTECTION PLAN

### A. BACKGROUND:

The Occupational Health and Safety Act administered under 29 CFR 653, 655, 657 amended and expanded protection of employees potentially exposed to blood borne pathogens. 29 CFR 1910.1030 is being added under authority of 29 CFR 653. The full text of the new 1910.1030 can be found in Federal Register 6 December 1991 at 64175. This section requires employers to protect potentially exposed employees from infection with pathogens that may be transmitted by contact with blood or other body secretions.

### B. DEFINITIONS:

For the purpose of this policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "BLOOD." Human blood, blood components and products made from blood.
2. "BLOODBORNE PATHOGEN." Any microorganism that can be present in human blood and can cause disease in humans. This includes but is not limited to hepatitis B (HBV) or HIV.
3. "CONTAMINATED." The presence or the potential presence of blood or other potentially infectious material on an item or surface.
4. "DECONTAMINATE." To use physical or chemical means to remove blood or other infectious material from surface or item, to render it safe for handling, use or disposal.
5. "ENGINEERING CONTROLS." Controls that isolate or remove blood borne pathogen hazards from the work place.
6. "EXPOSURE CONTROL PLAN." A written exposure control plan (ECP) designed to eliminate or minimize employee exposure. For those with an occupational exposure to blood borne pathogens, employers are required under 29 CFR 1910.1030 to have a written exposure control plan, with annual review and updates as the law is amended.
7. "EXPOSURE INCIDENT." A specific eye, mouth, nasal membrane, non-intact skin or other parenteral contact with blood or other potentially infectious material in the course of employee's job.
8. "HBV." Hepatitis B virus.
9. "HIV." Human immunodeficiency virus.

10. "OCCUPATIONAL EXPOSURE." Reasonably anticipated skin, eye, mouth, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's job.
11. "OTHER POTENTIALLY INFECTIOUS MATERIAL." Bodily fluids, including semen, vaginal secretions, cerebrospinal fluid, synovial fluid, amniotic fluid, saliva in dental procedures, any bodily fluid that is visibly contaminated with blood, and all bodily fluids in situations where it is difficult or impossible to differentiate between bodily fluids; any unfixed tissue or organ from a human; and HIV-containing cell or tissue cultures, organ cultures, and HIV or HBV containing culture medium or other situations, and blood from experimental animals infected with HIV or HBV.
12. "PERSONAL PROTECTIVE EQUIPMENT." Specialized clothing or equipment worn by an employee for protection against contamination with bloodborne pathogens or other potentially infectious materials.
13. "REGULATED WASTE." Liquid or semi-liquid blood or other potentially infectious materials (OPIM); contaminated items that would release blood or OPIM if compressed or wet or handled (examples include but not limited to gloves, paper towels, rags, syringes, needles).
14. "SOURCE INDIVIDUAL." Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.
15. "UNIVERSAL PRECAUTIONS." An approach to infection control whereas all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.
16. "WORK PRACTICE CONTROLS." Controls that reduce the likelihood of exposure by altering the manner in which a task is performed.

C. PURPOSE:

This plan applies to all occupational exposure to blood or other potentially infectious materials. The purpose of this plan is to eliminate or minimize exposure of designated city employees to bloodborne pathogens.

D. EXPOSURE DETERMINATION:

1. Employees in the following job classifications have exposure to blood borne pathogens:
  - a. Fire Department personnel (including Volunteer personnel.)
2. Employees in the following job classifications may have limited occupational exposure to blood borne pathogens:
  - a. Maintenance workers.

E. TASKS PERFORMED THAT MAY LEAD TO BLOODBORNE PATHOGEN EXPOSURE:

1. Contamination of eye, mouth, nose, or open skin.
2. Improper handling of used gloves, soiled clothing, contaminated items (towels, weapons, clothing, glasses, etc.).
3. Care of person involved in an accident.
4. Care of person involved in a fire.
5. Performing CPR or attempting to control bleeding.

F. PRECAUTIONS OBSERVED TO ELIMINATE OR MINIMIZE EXPOSURE:

1. Hand washing facilities shall be maintained in all facilities with potable running water, soap, and single-use paper towels or hot air hand dryers.
2. Situations that prevent hand washing in a facility will be handled by having in the vehicle a hand washing solution such as a water solution mixed to 10% bleach strength or bottle isopropyl alcohol, or pre-packed hand wipes with benzalkonium chloride and disposable one-use paper towel. When an exposed personnel uses this method of hand washing, they shall, as soon as practical, go to a facility and wash their hands with soap and water.
3. Employees shall wash their hands after removal of protective gloves, contamination by a potential infectious material and after removal of protective clothing.
4. Employees shall wash their hands or other body parts and flush all mucous membranes with copious amounts of water immediately or as soon as feasible after contact with blood or other infectious material.

5. Contaminated paper towels, gloves or other materials used to clean or disinfect hands while in vehicles shall be packed in closeable plastic bag and securely closed. This plastic bag contains regulated hazardous waste. It shall be stored in the trunk of the vehicle and as soon as feasible taken to the facility (Fire Department) for disposal into a biohazard red plastic liner, closed trash container.
6. Specimens of blood or other bodily fluids, materials or tissue shall be placed in a container that prevents leakage during collection, handling, processing, storage, transport or shipping.
7. Such materials noted in (6) shall be labeled and color coded in red prior to being transported, mailed, shipped or stored.
8. Equipment which may be contaminated with blood or other infectious material shall be inspected prior to servicing or reuse. It shall be decontaminated prior to continued use, shipping, storage or transportation.
9. Decontamination of equipment and items may be accomplished with a solution of 10% bleach or hot soap and water or undiluted rubbing alcohol, while wearing protective equipment.
10. Personal protective equipment shall be provided to all employees with a potential for exposure to blood and other infectious materials. It shall include the following:
  - a. Gloves made of non-permeable latex of sufficient strength that they do not tear or puncture for the duration of time that the protective equipment is in use. Vinyl gloves are not suitable in most instances, as they tear and puncture easily.
  - b. Gloves shall be single use; they shall not be reused or washed.
  - c. Utility gloves may be washed and reused if the integrity of the rubber is not disrupted (such as heavy rubber gloves used in the cleaning and washing of contaminated cruisers).
  - d. Eye protection in the form of goggles or glasses with solid side shields shall be made available to all designated personnel for protection from situations where there may be droplet spray of blood or other infectious materials.
  - e. Shoe covers or boots will be provided and worn in situations where gross contamination can be reasonably expected.
  - f. If a garment (uniform or over gown) is penetrated by blood or other infectious material, it will be removed immediately or as soon as possible. Cleaning of garment shall be provided by employer at no cost. Garment will be placed in biohazard bag and transported to appropriate laundry or cleaning facility.

11. Worksite shall be maintained in clean sanitary manner. Regulated hazardous waste, such as used gloves or contaminated towels, will be disposed of in a red biohazard bag. Contaminated work surfaces shall be washed down with 10% bleach or alcohol as soon as possible after contamination with blood or other infectious material.
12. Regulated waste containers shall be closeable, lined with a red biohazard leak-proof sealable bag. This biohazard bag shall be closed prior to removal from the work site and disposed of in accordance with applicable regulations of the United States and Commonwealth of Kentucky.
13. Employees having contact with contaminated wastes, contaminated laundry or contaminated vehicles or equipment shall wear protective gloves and, if appropriate, eye protection and surgical face masks (example: in washing down a blood-contaminated vehicle, the person working or hosing down the vehicle should wear gloves, goggles and mask).
14. All protective equipment, laundry of contaminated blood-penetrated uniforms, cleaning of equipment and repair of protective equipment shall be provided to the employee at no cost.
15. Protective equipment shall be readily accessible and issued to employees in sufficient quantities to ensure availability. Employees needing specialized gloves for proven allergy to latex or glove powders will be provided with hypoallergenic gloves or glove liners.
16. All spills of blood or blood-contaminated fluids should be promptly cleaned using an EPA approved germicide or a 1:100 solution of household bleach in the following manner while wearing gloves. Visible material should be removed with disposable towels or other appropriate means that will ensure against direct contact with blood. If splashing is anticipated, protective eyewear should be worn along with an impervious gown or apron that provides an effective barrier to splashes. The area should then be decontaminated with an appropriate germicide.

G. VACCINATION:

Hepatitis B vaccination will be made available to all employees with exposure levels as defined in 4 (A) and (B) at no cost to the employees.

1. Vaccination will consist of three separate injections of hepatitis B vaccine into the deltoid arm muscle. The vaccination shall occur on day 0, day 30 and at 6 months. A post test will be done after the vaccine series has been completed to determine if antibodies have developed, and a booster shot will be given if necessary following the post test.
2. Employees will not be required to accept vaccination; however, employees who decline the vaccination must sign a waiver (Attachment 1).

3. Employees who decline vaccination and subsequently decide to be vaccinated will receive the vaccine at no cost to the employee, provided occupational exposure still exists.
4. Employees who have been previously vaccinated and show immunity through blood antibody testing will not be reimmunized.
5. Newly employed personnel in classes with exposure levels as defined in □ D 1 and 2 shall be offered vaccination as soon as practical following employment.

#### H. POST-EXPOSURE EVALUATION:

If an employee has a specific job related incident that results in Exposure Incident, as defined in definitions B, a confidential medical evaluation and follow-up will be provided by the city.

1. Employee must report exposure incident to employer immediately.
2. Documentation of route of exposure and circumstances of exposure must be written.
3. Report of source individual identification shall be included in the report unless not feasible or prohibited by state or local law.
4. Source individual's blood may be drawn under protective precautions, with written permission of source individual, in order to test for HBV and HIV. If consent is not obtained, then employer shall establish that legally required consent cannot be obtained. If source individual refuses blood test for HBV and HIV, blood can not be drawn without permission of the courts under Kentucky law.
5. If source individual is already known to be infected with HBV or HIV, testing of source individual for known infection need not be repeated.
6. Exposed employees' blood shall be collected as soon as feasible after written consent for testing is obtained.
7. If exposed employee consents to HBV testing but refuses HIV testing, their serum for HIV testing shall be frozen for 90 days. If within 90 days the employee decides to allow HIV testing baseline, it shall be provided as soon as possible at no cost to the employee.
8. All testing shall be done by a reputable certified laboratory and paid for by the city.



9. Employee blood testing shall be accomplished as follows after written permission to test:
  - a. Baseline blood test for HBV surface antibody (to determine immunity) and HBV and HIV test base line. If HIV baseline is negative, then exposed employee will be retested for HIV in 6 weeks, 12 weeks, 6 months, 12 months, and 24 months post exposure.
  - b. If an employee with exposure has not been immunized or not completed all immunizations, they will be given with their permission HBV imme globulin injections, HBV vaccination #1 ABD gamma globulin injection. All testing and injections and follow-up care will be paid for by the city.

I. INFORMATION AND TRAINING:

1. All employees with occupational exposure shall participate in a training program on precautions and prevention of HBV and HIV, at no cost to the employee and during working hours.
2. Training will be provided for newly employed personnel in classes with exposure levels as defined in 4 (A) and (B) as soon as practical following the beginning of employment.
3. Training shall be repeated annually.

J. MEDICAL RECORDS:

1. Employer will maintain medical records of all vaccinations, post exposure evaluations and health care related to exposure in accordance with 29 CFR 1910.20.
2. Employee training records shall be maintained in accordance with 29 CFR 1910.20.

## SPECIFIC INFORMATION FOR INDIVIDUAL DEPARTMENTS

### Fire Department Personnel (Including Paramedic and EMT Personnel)

- A. The guidelines that appear in this section apply to both fire fighters and paramedic/emergency medical service personnel. Since fire fighters perform emergency medical services, exposure common to both fire and paramedic/EMS must be included for this class.
- B. The following guidelines are intended to assist personnel in making decisions concerning the use of personal protective equipment and resuscitation equipment, as well as for decontamination, disinfection and disposal procedures.
  - 1. Gloves:
    - a. Disposable latex gloves will be a standard component of emergency response equipment, and will be donned by all personnel prior to initiating emergency care tasks involving exposure to blood or other body fluids to which universal precautions apply. Extra gloves will always be available. For situations where large amounts of blood are likely to be encountered, it is important that gloves fit tightly at the wrist to prevent blood contamination of hands around the cuff. For multiple trauma, gloves should be changed between patient contacts, if the emergency situation allows.
    - b. Greater personal protective equipment measures are indicated for situations where broken glass and sharp edges are likely to be encountered, such as extricating a person from an automobile wreck. Structural fire fighting gloves that meet the federal OSHA requirements for fire fighters gloves (as contained in 29 CFR 1910.156 or NFPA Standard 1973), Gloves for Structural Fire Fighters) will be worn in any situation where sharp or rough surfaces are likely to be encountered.
    - c. While wearing gloves, avoid handling personal items such as comb or pen that could become soiled or contaminated. Gloves that have become contaminated with blood or other body fluids to which universal precautions apply should be removed as soon as possible, taking care to avoid skin contact with the exterior surface. Contaminated gloves should be placed and transported in Biohazard plastic bags that prevent leakage and should be disposed of properly. (Refer to general information for disposal of Biohazard waste).

2. Mask, Eyewear and Gowns:

- a. Masks, eyewear and gowns will be present on all emergency vehicles that respond or potentially respond to medical emergencies or victim rescues. These protective barriers should be used in accordance with the level of exposure encountered. Minor lacerations or small amounts of blood do not merit the same extent of barrier use as required for exsanguinating victims or massive arterial bleeding. Management of the victim who is not bleeding, and who has no bloody body fluids present, should not routinely require use of barrier precautions. Masks and eyewear (e.g., safety glasses) should be worn together, or a face shield should be used by all personnel prior to any situation where splashes of blood or other body fluids to which universal precautions apply are likely to occur. Gowns or aprons should be worn to protect clothing from splashes with blood. If large splashes or quantities of blood are present or anticipated, impervious gowns or aprons should be worn. An extra change of work clothing should be available at all times.

3. Resuscitation Equipment:

- a. No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented. However, because of the risk of salivary transmission of these infectious diseases (e.g., herpes simplex) and the theoretical risk of HIV or HBV transmission during artificial ventilation of trauma victims, disposable airway equipment or resuscitation bags will be used. Disposable resuscitation equipment will be used once and disposed of in the proper manner. Reusable equipment and devices will be thoroughly cleaned and disinfected after each use according to manufacturer's recommendation.
- b. Mechanical respiratory assist devices (e.g., bag-valve masks, oxygen demand valve resuscitators) should be available on all emergency vehicles and to all emergency response personnel that respond or potentially respond to medical emergencies or victim rescues.
- c. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with victims' blood and blood-contaminated saliva, respiratory secretions, and vomitus should be provided to all personnel who provide or potentially provide emergency treatment.

## APPENDIX E: RETURN-TO-DUTY POLICY

The City of Dry Ridge has established a program to assist employees in the event of injury or illness, either on or off the job, by offering temporary limited duty when employees are unable to perform regularly assigned duties and responsibilities. All TLD assignments shall be subject to the following:

- A. This program is intended to provide temporary limited duty; in no way is it intended to be a permanent duty assignment.
- B. TLD assignments (either part-time or full-time) may be made only if meaningful work is available, and the assignment shall be terminated immediately upon approval for the employee to return to regular duties and responsibilities by a medical doctor. If meaningful work is available, any of the following arrangements may be made:
  - 1. Employees may return to their regular job with alterations in duties;
  - 2. Employees may be assigned limited duty within the same department;  
or
  - 3. Employees may be assigned to duties in another department.
  - 4. Obtain TLD Medical Form from Human Resources Officer.
- C. Assignments:
  - 1. All TLD assignments shall be determined in advance by the department director in which the employee is assigned, and shall be approved by a medical doctor and the Mayor prior to the beginning of the TLD assignment.
  - 2. Work-related TLD has priority over non-work related TLD for assignments in the event that there are a limited number of TLD assignments.
  - 3. If there are no TLD assignments available, non-work related TLD employees shall be required to utilize accrued personal leave, vacation leave, or time-off-without-pay if accrued leave is exhausted until an assignment is available. Employees on time-off without pay status as a result of non-work related injury or illness shall not accrue benefits, and shall be responsible for total insurance costs.
  - 4. a. Employees assigned to TLD shall report to duty at the assigned time and location, and perform duties as determined in advance. The hourly rate of pay shall remain unchanged during TLD assignments.

- b. Requests for leave shall be made in advance directly with the assigned supervisor, including vacation leave, time off for doctor's appointments, etc.
    - c. Pay checks shall be picked up in the assigned department unless alternate arrangements are made prior to payday.
  
- D. Time elements:
  - 1. Non-work related:
    - a. Non-work related TLD shall not exceed ninety calendar days; at the end of ninety days, employees may request the use of accrued personal leave and vacation leave, or may request leave without pay.
    - b. Forty-five calendar days into the TLD program, employees must present a current statement from a medical doctor with an estimated date of return to regular duty in order to continue in the TLD assignment.
    - c. Employees on non-work related TLD assignments shall utilize personal leave for all medical appointments.
    - d. Prior to returning to full duty, a statement from a medical doctor is required which gives full release for the employee to perform all essential job functions.
  - 2. Work-related:
    - a. Upon assignment, work-related TLD shall not exceed 180 calendar days unless approved in advance by the City Council; at least each 45 days employees on TLD shall present a current statement from a medical doctor with an estimated date of return to regular duty.
    - b. Employees on work-related TLD shall be entitled to up to 4 hours each week for medical appointments; therapy visits must be approved in advance, and documentation of visits must be presented to the assigned Department Director.
    - c. Prior to returning to regular duty, a statement from a medical doctor is required which gives full release for the employee to perform all essential functions.
  
- E. Any time during the period of injury/illness an employee believes that he/she will never again be able to perform the essential functions of his/her classification, the employee should seek counseling from the Department Director and/or Mayor regarding employment alternatives, including, but not limited to:
  - 1. Seek a lateral transfer to a position where such duties can be performed, provided a vacancy exists and the employee meets the qualifications for the position.
  - 2. Apply for another position more compatible with the employee's physical condition, provided a vacancy exists and the employee meets the qualifications for the position.
  - 3. Apply for voluntary demotion to a vacant position, provided the employee meets the qualifications for the position.

4. If disability warrants, submit application to CERS and/or Social Security.
5. Seek employment outside the city service before TLD time has expired.