

**ORDINANCE NO. 7, 2016**

**AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING THE CITY'S PERSONNEL POLICY UNDER §31.002 OF THE CODE OF ORDINANCES**

**WHEREAS**, under §31.001 of the Park Hills Code of Ordinances, the City adopted an official personnel policy of the City of Park Hills; and

**WHEREAS**, under §31.002 of the Park Hills Code of Ordinances, the policies and procedures may be altered by ordinance; and

**WHEREAS**, the City has found it reasonable, necessary and desirable to alter the personnel policy; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY AS FOLLOWS:**

**SECTION 1**

That the City adopts and incorporates the personnel policy attached as Exhibit "A." All prior versions are superseded and replaced by this personnel policy.

**SECTION 2**

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

**SECTION 3**

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

**SECTION 4**

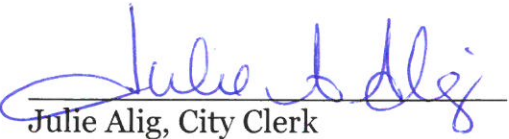
That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060(9) and other applicable law.

Passed by City Council on 11/14/16, 2016.

CITY OF PARK HILLS, KENTUCKY

By:   
Matt Mattone, Mayor

ATTEST:

  
Julie Alig, City Clerk

FIRST READING: \_\_\_\_\_

SECOND READING: 11/14/16

PUBLICATION: \_\_\_\_\_

**CITY OF PARK HILLS**

**PERSONNEL POLICIES**

## **CERTIFICATION OF RECEIPT**

These personnel policies are not a contract of employment. Any individual may voluntarily leave employment or may be terminated by the employer. Your employment with the City of Park Hills is at-will. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee. The contents of these policies are subject to change at any time at the discretion of the employer. It is your responsibility to be familiar with the contents of this manual. Its contents will help guide you toward job behavior, which reflects credit upon you and the City of Park Hills.

I certify that I have read and received a copy of the Personnel Policies of the City of Park Hills.

Signature \_\_\_\_\_ Date \_\_\_\_\_



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## **DEFINITIONS**

Allocate - To allocate a position means assigning the position to an appropriate class on the basis of similarity of work and level of responsibility performed in the position.

Appeal - The right to be heard on matters of discrimination, unfair practices, or other rights of applicants or employees under these policies.

Appointing Authority - The person responsible for the appointment of employees. The Mayor is the appointing authority.

Class - Class means a group of positions sufficiently similar as to duties performed, level of responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same examination for selection, and the same rate of compensation may be applied to each position in the group.

Classification and Pay plan - The system of assigning jobs to classes and to an appropriate pay grade based on the similarities of positions.

Classified Service - A structure of authorized positions filled by persons performing functions as prescribed by the classification plan and/or City authorities in accordance with adopted policies.

Demotion - Demotion means a change in the rank of an employee from a position in one class to a position in another class having a lower minimum starting salary and with less discretion and/or responsibility, etc.

Department - A work division of the city organized by functional area.

Desirable Qualifications - The desired requirements as to education and experience of an applicant to be considered for appointment with the City. Additional requirements may also be indicated where necessary such as licenses, certificates and other.

Dismissal - The termination of employment.

Employee - A person whose position was not created by the constitution, statute, or ordinance; who possesses no part of the sovereign power of the city; whose powers were not conferred directly by the city; who is supervised by someone in a higher position; and whose position has no established permanency.

Exempt Employee - An employee exempt from the overtime provisions of Kentucky Wage and Hour Law.

Examinations - Methods used to determine eligibility of applicants for employment. Examinations may include, but shall not be limited to, written, oral, physical or performance tests, ratings of training and experience, or any combination of these.

Full-time Employee - An employee who works on a continuing basis, a standard 40 hour work week, with the exception of an employee who may work 30 hours a week, at the discretion of the Mayor and approval of City Council.

Grievance - A grievance is any dispute concerning the interpretation or application of a personnel policy governing personnel practices or working conditions, or decisions relative to any disciplinary action, dismissal, demotion or charge of discrimination.

Lay-offs - Separation from employment due to lack of work, lack of funds, abolishment of the position, or for other material changes in duties or organization, in accordance with established policy.

Merit Increase - An increase in pay of one or more steps in the pay range or grade, based on an employee's job performance.

Non-Exempt Employee - An employee not exempt from the overtime provisions of Kentucky Wage and Hour Law.

Officer of the City - Any person elected to a position by the voters or any person appointed to a position which is created by the Constitution, the General Assembly, or the City; Possesses a delegation of a portion of the sovereign power of government; Has powers and duties to be discharged which are conferred directly or by implication of the City; Has duties performed independently and without control of a superior power other than law; Has some permanency; Requires an official oath; Is assigned by a commission or other written authority; and, Provides for an official bond if required by proper authority.

Overtime - Time worked in excess of 40 hours in a standard work week. Overtime pay is handled in accordance with these policies, specifically, Chapter 3, Section 7 - Overtime.

Part-time Employee - An employee who works on a continuing basis, but does not work a full or normal work period.

Performance Evaluation - A method of evaluating each employee on a periodic basis as to his/her performance on the job.

Personnel Administrator - The Mayor or employee designated to administer the personnel system for the City.

Position - An office or post in a department of the City involving duties requiring the services of one or more persons.

Promotion - A change in rank of an employee from a position in one class to a position of another class having a higher minimum salary and carrying a greater scope of discretion and responsibility.

Provisional - Provisional appointments may be made to fill positions when the work of the City requires the services of one or more employees on a seasonal or intermittent basis, or in cases of emergency. Provisional appointments will not exceed twenty-four (24) weeks; however, extensions may be granted by the personnel administrator. These personnel policies and procedures do not apply to provisional employees, unless specifically stated.

Reallocation - The assignment of a position to a different class. No change in duties of the position are indicated.

Reclassification - The assignment of an existing position from one class to a different class due to a significant change in duties or responsibilities.

Resignation - The termination of employment at the employees request.

Relatives - A relative is defined as anyone closer than a second cousin.

Salary Advance - An increase in salary within the salary range prescribed for the class by the classification and pay plan.

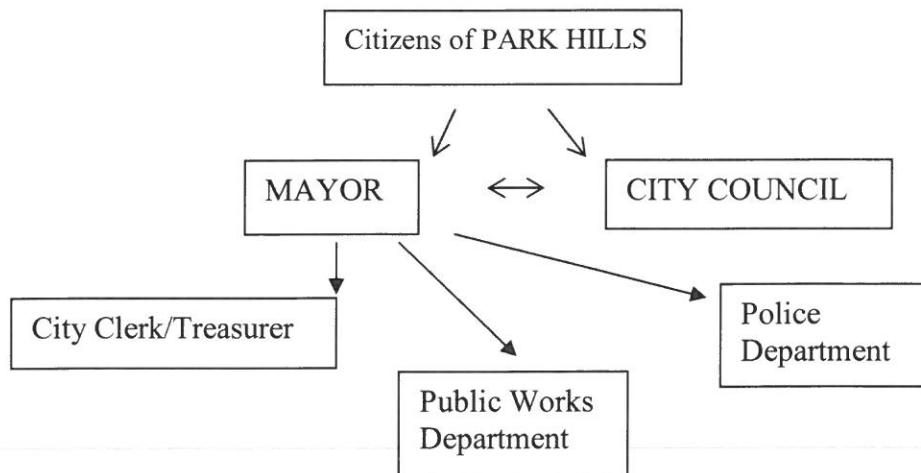
Suspension - An enforced leave of absence for either disciplinary purposes or pending investigation or charges against an employee.

Transfer - A movement of any employee from one position to another having the same salary range and the same level of responsibility within the classified service.

Vacancy - A position duly created and still existent but not occupied by an employee.

Volunteer – A member who does not receive compensation in exchange for services and to whom these policies do not apply.

## ORGANIZATIONAL CHART OF CITY GOVERNMENT



# **CHAPTER 1**

## **OBJECTIVES AND SCOPE**

### **Section 1 -- Authority**

The City of Park Hills hereafter referred to as the City, meeting in regular session on \_\_\_\_\_, adopted these personnel policies. Pursuant to this action, the policies following were prepared.

### **Section 2 -- Purpose**

These policies and procedures are adopted to provide for the recruitment, development, and retention of the best worker for each position on the City staff. They provide for the orderly establishment of procedures for personnel administration which adhere to the following merit principles:

- (A) Recruiting, selecting, and advancing workers on the basis of their relative ability, knowledge, and skills, including open competition of qualified applicants for initial appointment;
- (B) Establishing pay rates consistent with the principle of providing comparable pay for comparable work;
- (C) Training employees, as needed, to assure high quality performance;
- (D) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, disability, race, color, age, national origin, citizenship, sex, religion, sexual preference, gender identity or genetic information; and
- (E) Assuring that employees are protected against coercion for partisan, political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

### **Section 3 -- Positions Covered**

These policies and procedures, unless otherwise noted, apply to all authorized positions, except members of boards and commissions, legal counsel, consultants, advisors, independent contractors and members of volunteer organizations. These policies do not apply to provisional employees, unless specifically stated.

### **Section 4 -- Interpretation**

These policies are intended to cover most personnel problems and actions which arise. Those not specifically covered shall be interpreted by the personnel administrator. Such interpretations shall be in concert with the spirit and letter of the resolution referenced in Section 1 -- Authority, and with Section 2 -- Purpose, of this chapter. Appeals, see Chapter 15. In no instance shall these policies supersede Kentucky Revised Statutes.



#### Section 5 -- Responsibility and Authority

The responsibility and authority for the implementation and enforcement of these policies is vested in the personnel administrator. The Personnel Administrator may delegate such duties and functions as he/she deems appropriate.

#### Section 6 -- Delegation

The Mayor is hereby designated as personnel administrator. The Mayor may delegate in writing such duties and functions as he/she deems appropriate.

#### Section 7 -- Equal Opportunity Employer

The City of Park Hills is an equal opportunity employer and prohibits all forms of illegal discrimination. The City will implement these policies in accordance with laws and regulations that prohibit discrimination on the basis of political affiliation, disability (including discrimination because of HIV and AIDS), race, age (40 or over), national origin, sex, religion, sexual preference, gender identity, or genetic information. The city also prohibits retaliation against an employee for: opposing or complaining about discrimination; participating in discrimination legal proceedings; and/or for participating in discrimination investigations. Any concerns about discrimination or retaliation should be reported immediately to the Mayor so that the City may review the matter and make appropriate remedial actions.

It is the policy of the City to adhere to the requirements of the Kentucky Civil Rights Act (KRS Chapter 344), Title VII of the Civil Rights Act of 1964 (Title VII), the Equal Pay Act of 1963 (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), Title I of the Americans with Disabilities Act of 1990 (ADA), Section 501 of the Rehabilitation Act of 1973, the Drug Free Workplace Act of 1988, the Family and Medical Leave Act of 1993 (FMLA), and the Genetic Information Non-Discrimination Act of 2008 (GINA).

#### Section 8 -- Disclaimer

These Personnel Policies are at the absolute discretion of the City of Park Hills; and they may be amended, modified or otherwise changed or even terminated or revoked, in whole or in part, by the City, at any time and for any reason or no reason. The application of these Personnel Policies is also discretionary rather than mandatory in the personnel decisions of the Mayor and Personnel Administrator. They are merely guides for their personnel decisions. Accordingly, the Mayor and Personnel Administrator are not bound by them in their personnel decisions. These Personnel Policies are not intended and shall not be interpreted or construed to establish either a contract with or any other right of continued employment by any non-elected officer or employee of the City. All employment by the City is "at will" employment, which means that it may be terminated at the will of either the employee or the City, unless otherwise provided by law.

#### Section 9 -- Severability Clause

If any section of these personnel policies is ever held invalid, the remaining sections shall not be affected and shall remain in effect.

#### Section 10 -- Repealer

All prior personnel policies, procedures, resolutions, memorandums, or other written documents are

hereby repealed. All oral statements past, present, and future in conflict with these policies are invalid.

#### Section 11 -- Americans with Disabilities Act Statement

The City of Park Hills is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship to the City.

Employees with a disability who believe that they need a reasonable accommodation to perform the essential functions of their job should contact the Mayor.



## **CHAPTER 2**

### **POSITION CLASSIFICATION PLAN**

#### **Section 1 -- Definitions**

The Position Classification Plan is the official system of grouping positions into appropriate classes, including the class specifications and guidelines for administration.

Position Classification is a system of identifying and describing the different kinds of work in an organization and then grouping together under common titles those positions which are basically similar with respect to nature of work, level of difficulty, responsibility, and training and experience. The test for inclusion of a position in a class is as follow:

- (A) Can the same title be reasonably applied to all positions in the class?
- (B) Can one class specification be written which will adequately define the kind and level of duties and responsibilities for all positions in the class?
- (C) Can the same knowledge, skills, abilities, and personal attributes be required of all applicants for positions?
- (D) Can the same educational and experience requirements be applied to candidates for all positions in the class?
- (E) Can the same salary range be applied with equity to all positions in the class?

In other words, all five questions or criteria should be answered in the affirmative for all positions in a given class. A negative answer on one or more of the factors result in the elimination of a position from a given class and its subsequent reallocation or reassignment to another class where a "yes" answer to all five questions could be obtained.

#### **Section 2 -- Uses of a Classification plan**

The position classification plan is the foundation upon which is constructed all major phases of a personnel program. Each class specification is a detailed analysis of the nature, degree of difficulty, and degree of responsibility of the qualifications that are required of an individual for successful performance of the job. The classification plan, therefore, forms the basis of an objective recruitment program and a number of other personnel functions discussed in these policies.

#### **Section 3 -- Responsibility for Administration**

The personnel administrator will work to insure that the position classification plan is maintained and updated as necessary.

#### Section 4 -- Preparation of Plan

A comprehensive classification plan including for each class of positions an appropriate title, a description of the duties and responsibilities, essential functions, and the desirable requirements of training, experience, education, and other qualifications shall be established and maintained. The classification plan shall be prepared by the personnel administrator and adopted by the City. Every position with the City will be allocated to one of the classes established by the classification plan. No employee may be appointed or promoted to any position until it has been properly classified.

#### Section 5 -- Allocation Appeals

If an employee has facts which indicate his/her position is improperly allocated, he/she may, with knowledge of his/her immediate supervisor, request the personnel administrator to review the allocation of his/her position. Such request shall be submitted in writing and shall contain a statement of justification.

#### Section 6 -- Maintenance of plan

It is the duty of the personnel administrator to (1) maintain the position classification plan by reviewing the allocation of a position and completing a new position description, if necessary, each time a vacancy occurs, (2) to complete new position descriptions for all affected positions each time a department is reorganized, (3) to complete new position descriptions on a periodic basis, or any time he/she has reason to believe there has been a change in duties and responsibilities of one or more positions. (4) to, each time a new class is established, write and incorporate with the existing plan a class specification, and likewise, delete from the classification plan any abolished class, and (5) periodically, and in a timely fashion, conduct a general review of the Classification Plan.

#### Section 7 -- Interpretation of Class Specifications

The job descriptions are not restrictive. The duties, qualifications, and other factors detailed on the job descriptions shall not be considered all inclusive.

#### Section 8 -- Official Copy of Classification plan

The personnel administrator is responsible for maintaining an official copy of the position classification plan. A copy of the plan is available for inspection by the public under reasonable conditions during regular business hours.

#### Section 9 -- Employee Classifications

City of Park Hills employees shall be classified as either non-exempt employees (overtime-eligible) or exempt employees (non-overtime-eligible) in accordance with the wage and hour provisions of the Fair Labor Standards Act. The Mayor shall determine each employee's classification and their eligibility for overtime. In general, employees in executive, supervisory, or professional job classes are exempt and all others are non-exempt.

Each employee will be further designated as one of the following:

- a. Full-time employee regularly scheduled to work 40 hours per week,
- b. Part-time employee regularly scheduled for less than the full-time 40 hour per week schedule,

- c. Seasonal or temporary employee scheduled for a term of employment of a specific period.

A distinction is also made between "hazardous duty" and "non-hazardous duty" positions:

**Hazardous Duty**, as defined by KRS 61.592 (1).

**Non-Hazardous Duty** means all positions not classified as Hazardous Duty.

#### Section 10 -- At-Will Employment

Employee turnover can increase costs and make the City operate less efficiently. In most cases, the City would not have hired an employee unless it hoped the relationship would be a "good fit" in the long term. However, all employees may terminate their employment anytime for any reason or no reason, just as the City may do the same.

## **CHAPTER 3**

### **PAY PLAN**

#### **Section 1 – Composition**

The pay plan is composed of the adopted pay schedule and the adopted salary ranges for each class of positions in the classification plan. The pay plan also includes a position allocation schedule and an authorized positions list.

#### **Section 2 – Maintenance of Pay Plan**

The pay plan is intended to provide fair compensation for all classes in the classification plan, considering range of pay for other classes, rates of pay for comparable services in private and public employment in the area, cost of living data, other benefits received by employees, the City's financial condition and policy, and other factors. The personnel administrator may annually make or cause to be made comparative studies of factors affecting the level of salary ranges; and on the basis of evaluation of data and information derived, make recommendations to city council for reallocation of classes to salary ranges within the pay schedule, adjustment of the pay schedule in accordance with cost of living increases, or such other adjustment in the pay plan as deemed appropriate.

#### **Section 3 – New Employees**

A new employee shall be at least paid the minimum rate of pay for his/her class.

- (A) The minimum rate for each class is based upon the assumption that a new employee meets the qualifications stated in the job descriptions.
- (B) However, if a new employee more than meets the qualifications for a position, he/she may be appointed at a higher rate.

#### **Section 4 – Pay Increases**

It is the policy of the City to reward good job performance by establishing an equitable system of providing pay increases. The system established shall be governed by the following:

- (A) Cost of living increases may be across-the-board in nature and intended to compensate for the effect of inflation on the City's salary structure. Accordingly, the Personnel Administrator should review the pay plan annually.
- (B) At least once each fiscal year and during the budget process, the Personnel Administrator, in cooperation with City Council, will review the performance of each employee and use this information if making any merit salary adjustments.
- (C) Recommendations for pay increases must be supported by a performance evaluation.
- (D) All increases, if given, whether based on cost of living, merit salary raises or other factors, shall be given only upon approval of the City Council.

#### **Section 5 – Provisional Employment**

Compensation for provisional full or part-time employees is established by the Personnel Administrator, commensurate with pay plan.

#### Section 6 – Standard Work Week

- (A) Employees classified as non-exempt according to Kentucky Wage and Hour Laws may not work over 40 hours per standard work week without the written permission of their immediate supervisor.
- (B) The standard work week is a seven day period starting on Sunday and ending on Saturday.

#### Section 7 – Types of Pay

- (A) Regular Pay – 40 Hours per workweek
- (B) Overtime – Time plus incentive pay times one and one half
- (C) Holiday Pay – Time and one half with no Incentive Pay
- (D) Incentive Pay – Annual Wage for qualified police officers set by the Justice Cabinet and paid to the City monthly without overtime. Hourly rate is paid to the employee each pay period.
- (E) Longevity Pay - \$100.00 per year of employment and paid annually in December to all full-time employees.

#### Section 8 – Compensatory Time

Compensatory time is hours off granted to ‘exempt’ employees who have worked excessive hours over the standard 40 hour workweek. As a general rule, compensatory time will not exceed more than one day at a time. The immediate supervisor grants compensatory time. It is not credited toward sick or vacation leave. Unused compensatory time is not paid to employees upon separation, nor does unused compensatory time carry over from one year to the next year.

#### Section 9 – Pay Plan in Effect

The pay plan shall be adopted by action of the City Council and shall remain in effect until modified in accordance with the provisions of these rules.

#### Section 10 -- Outside Employment

Full-time employees wishing to accept outside employment, full-time or part-time, shall notify the personnel administrator, in writing, in advance of accepting the outside employment. Any full-time or part-time employee of the Police Department must obtain approval, in writing, of the Police Chief and the Mayor before accepting outside employment.

Outside employment must be compatible with employment by the City of Park Hills. If outside employment causes a conflict of interest because of hours, nature of work, or any other reason, the city may prohibit the employee from continuing outside employment. If an employee is injured, or on light duty due to an injury from an outside employer, he/she must notify the city immediately.

## **CHAPTER 4**

### **APPLICATIONS AND EXAMINATIONS**

#### **Section 1 -- Announcement and Advertisement of Vacant Positions**

All vacancies in the City workforce will be publicized by posting announcements in the City buildings or in other places by such other means as the personnel administrator deems advisable. In addition, full or part-time positions not filled through promotions may be advertised in newspapers, other periodicals selected by the personnel administrator and through other means necessary to reach a broad cross section of the community. All announcements and advertisements of vacant positions should specify the title and salary range of the position, qualification requirements, manner of making application, pertinent examination announcements and other pertinent information. At least seven (7) days from the publication date of the last advertisement will be allowed for receipt of resumes. All announcements and advertisements must state that the City is an equal opportunity employer.

#### **Section 2 -- Application Forms**

Applications will be made on standard forms provided by the City. Such forms will require information covering training, experience, and other pertinent information. All applications will be signed by the applicant. The personnel administrator may require resumes to be submitted with applications.

#### **Section 3 -- Employment Requirements**

All positions will be open to persons who meet the necessary requirements. Such requirements may include but will not be limited to the following factors: knowledge, skills, abilities, education, training, and ability to perform the essential functions of the position. The personnel administrator may accept years of experience in lieu of formal education required beyond high school graduation at a rate of 2 years' experience for each year of higher education required.

#### **Section 4 -- Receipt and Duration of Applications**

Applications will be accepted and placed on file from all persons desiring employment with the City and who apply during regular business hours. All application documents will be kept in confidence. Resumes will be kept active for six (6) months. Applications of individuals not hired by the City will be kept in accordance with the State of Kentucky Records Retention Schedule.

#### **Section 5 -- Rejection of Applications**

Any or all applications for employment may be rejected. An applicant may be rejected for the practice or attempted practice of fraud or deception in the completion of his/her application, or if his/her past record of employment is determined to be unsatisfactory by the personnel administrator.

#### **Section 6 -- Open Competitive Appointments**

Positions to be filled by recruitment from outside the City staff will be filled through a competitive

process open to the public. Such process may include, but not be limited to, ratings of training and experience, written, oral, physical, or performance examinations, or any combination of these as determined by the personnel administrator. The process may take into consideration such factors as education, experience, knowledge, skill, ability to perform the essential functions of the position, or any other factors which are job performance related and which in the judgment of the personnel administrator enter into the determination of the qualification of applicants. The personnel administrator may require the applicant to submit proofs of his/her education, military service, or any other such documentation as he/she deems necessary and appropriate. Examinations will be administered in compliance with applicable laws and regulations such as the Americans with Disabilities Act and various civil rights laws, as deemed necessary by the personnel administrator. All new hires may be subject to a satisfactory pre-employment physical including drug and alcohol screening to be administered by an organization of the personnel administrator's choice. Additional tests may be required by department policy.

#### Section 7 -- Promotional Appointments

Promotional appointments will be open to all employees who meet the desirable requirements included in the class specification, or who have an equivalent combination of experience and training which provides the desired knowledge, skills, and abilities.

#### Section 8 -- Eligibility List

After appointment of a candidate to a position, the personnel administrator may create a group of applicants from the remaining top candidates. If the City needs to fill the same position within the next six (6) months, or if a position in the same job classification with the same knowledge, skills, abilities, education, and training requirements becomes available, a candidate may be selected from the eligibility list for consideration.



## **CHAPTER 5**

### **APPOINTMENTS**

#### **Section 1 -- Types of Appointments**

When a person is employed by the City, one of the following types of initial appointments will be made:

- (A) Provisional Employee - See definition section.
- (B) Employee - See definition section.

#### **Section 2 -- Appointing Authority**

The Mayor is the appointing authority for employees. The Mayor is the appointing authority for officers, subject to approval of the City Council.

#### **Section 3 -- Personnel Policies Received**

Upon appointment all new hires will be given a copy of these policies and procedures. At the time of employment each new hire will be asked to sign a statement verifying receipt of these policies and procedures. A copy of the signed statement will be maintained in the employees personnel file.

Upon the enactment of any change or modification to these policies and procedures, the City Clerk will provide all employees (except officers) with copies of the ordinance making the change or modification. Upon receipt of the ordinance, the employee will be asked to sign a statement verifying his or her receipt of the ordinance. The employee's verification statement will be maintained in his or her personnel file.

#### **Section 4 – Maintenance of Personnel Policy Records**

All personnel policy records for all departments will be maintained and kept up-to-date in the administration office.

#### **Section 5 – Nepotism**

Employment of relatives closer than a second cousin will not be prohibited as long as neither of the related parties are employed in a supervisory role in which they might have either a direct or indirect effect on the other party's progress, performance, or welfare as an employee of the district.



## **CHAPTER 6**

### **PROMOTIONS, TRANSFERS, DEMOTIONS**

#### **Section 1 -- Policy**

Vacancies in higher positions in the City's staff will be filled insofar as practical by promotion from lower classification. To accomplish this purpose an internal selection process may be held when the Personnel Administrator determines there is a sufficient number of well-qualified candidates within the existing staff. Factors for the Personnel Administrator to consider in promotions include results of employee performance evaluations and length of service with the City.

#### **Section 2 -- Notification**

Notice of positions to be filled through an internal selection process will be given to City employees by posting at appropriate locations.

#### **Section 3 -- Political or Partisan Endorsement Prohibited**

No consideration will be given to political or partisan endorsement for promotions to positions in the City; only merit for promotion will be considered.

#### **Section 4 -- Promotions**

When an employee is promoted to a position in a higher class, that employees' salary shall be increased to at least the minimum rate for the higher class. In the case of overlapping ranges and when the employee to be promoted is at or above the minimum rate of the higher class to which promoted, the employee may be increased to a higher salary.

#### **Section 5 -- Political or Partisan Endorsement Prohibited**

No consideration will be given to political or partisan endorsement for promotions to positions in the City; only merit for promotion will be considered.

#### **Section 6 -- Demotions**

When an employee is demoted to a lower class position, that employee shall be paid at a rate which is within the approved range for the lower classification. The rate of pay shall be set by the personnel administrator taking into consideration the circumstances surrounding reasons for the demotion.

The Personnel Administrator may demote an employee for the following reasons provided the employee possesses the qualifications of the position to which he/she is demoted:

- (A) For an inability to carry out duties in accordance with the standards prescribed for the position by the classification plan; and/or
- (B) For disciplinary reasons; and/or
- (C) With the consent of the employee, to a vacant position in lieu of layoff.

An employee will be informed in writing at least two (2) weeks prior to a demotion becoming effective. The written report of said demotion and the reasons therefore will be entered into the personnel file. Statements of the employee will be entered into the personnel file.

#### Section 7 -- Transfers

When an employee is transferred from a position in one class to a position in an equivalent class, the transfer may or may not affect his/her rate of pay. Employees may request a transfer from one position to another provided the position to which the employee is transferred is one for which he/she possesses the minimum qualification and provided the position applied for is vacant. In the event an individual is transferred from a position in one class to a position in an equivalent class, the transfer will not affect a change in pay. All transfers are approved by the Personnel Administrator, in consultation with the supervisors involved.

## **CHAPTER 7**

### **PERFORMANCE EVALUATION**

#### **Section 1 -- Objective**

The personnel administrator will prepare or cause to be prepared a job related system for evaluating the work performance of all employees in the city service. The purpose of the employee performance evaluation will be two-fold: 1) to inform employees how well they are performing their work and how they can improve their work performance and 2) to assist in the professional development of the employee. The performance evaluation may also be used in determining salary changes, as a factor in determining order of lay-off, as a basis for training, promotion, demotion, transfer, or dismissal, and for such other purposes as set forth in these regulations.

#### **Section 2 -- Introductory Period**

An introductory period is an important part of the selection and hiring process and will be used for the purpose of observing the employee's work and for training the employee in work expectations. All new City employees will be required to successfully complete a minimum six (6) month introductory period. Each department head will complete an evaluation of new employees at when the introductory period has elapsed, and then annually thereafter. The department head may conduct evaluations during intervening times at his/her discretion. Copies of the evaluation are to be forwarded to the Mayor.

#### **Section 3 -- Evaluation**

Evaluations are prepared or conducted by the immediate supervisor of each employee and reviewed by the personnel administrator. Evaluations will be on a standardized form and submitted to each employee for his/her review and comment. Employees should sign the form upon completion of their review. Each evaluation will be confidential and placed in the personnel file, available for review only by the employee, his/her supervisors, the personnel administrator, and the Mayor unless requested by court order or open records request. An employee in a supervisory position who is leaving the position may be required to submit performance evaluation forms on all the employees under his/her supervision.

#### **Section 4 -- Review with Employees**

The evaluator will discuss each performance evaluation with the employee being evaluated. If an employee disagrees with any statement in an evaluation, the employee may submit, within five (5) working days following the conference with his/her supervisor, a written statement which will be attached to the evaluation form. The evaluation and any written comments shall be maintained as part of the employee's personnel file.

At least once each fiscal year the personnel administrator, in cooperation with the Department Head, will review the performance of each employee for satisfactory performance and may use this information in making recommendations to the Mayor for individual merit salary adjustments. Such adjustments must be in conformity with the pay schedule adopted by the city council.

#### Section 5 – Exit Interviews

The personnel administrator will prepare or cause to be prepared a job related exit interview. The primary purpose of the exit interview will be to gain information related to a particular job classification and utilized by supervisors to improve departmental performance. Exit interviews will be voluntary to an employee upon separation and at the discretion of the personnel administrator.

## **CHAPTER 8**

### **DISCIPLINARY ACTION**

#### **Section 1 -- Intent**

Effective supervision and employee relations should avoid most matters which necessitate disciplinary action. The purpose of these rules and disciplinary action for violation of such rules is not intended to restrict the rights of any employee but rather to ensure the rights of all and secure cooperation throughout their city service. The severity of disciplinary action should be related to the gravity of the offense, the employee's record of disciplinary action, and the City's practice in similar cases. Progressive discipline is the guiding principle.

#### **Section 2 -- Types of Disciplinary Action**

The following provision governs disciplinary actions affecting employees of the City. Progressive discipline is the guiding principle. However, the personnel administrator, based upon the severity of the event, may utilize any of the actions detailed in this section as a first step. The personnel administrator in consort with the immediate supervisor, will have the following alternatives for disciplinary action:

- (A) Oral Warning - The Mayor or immediate supervisor may issue an oral warning to an employee. The immediate supervisor should record the details of oral warnings, place them in the personnel file, and give a copy to the personnel administrator.
- (B) Written Reprimand - The Mayor or immediate supervisor may submit a written reprimand to an employee. The employee will have opportunity to discuss the proposed reprimand before its issuance and may have a statement entered into the personnel record. The written reprimand will be acknowledged in writing by the employee. If the employee refuses to sign the reprimand, the supervisor will make a note of such for inclusion in the personnel file. Employees of the City will have the opportunity for a follow up explanation of a reprimand. Copies of all reprimands will be forwarded to the employee, the personnel administrator, the immediate supervisor, and the personnel file.
- (C) Suspension - The personnel administrator/Mayor may suspend with or without pay an employee for up to ten (10) days, or more if an investigation is in progress. The employee will have opportunity to discuss the proposed suspension before its issuance and may have a statement entered into the personnel record. A written statement specifically setting forth reasons for suspension will be furnished to the employee. Copies will be forwarded to the immediate supervisor, and placed in the personnel file.
- (D) Demotion or Reduction in Salary - The Mayor with Council approval, may reduce the salary of an employee within the range provided in the pay plan or demote the employee to a lower class. The employee will have opportunity to discuss the proposed demotion or reduction in salary before its issuance and may have a statement entered into the personnel record. A

written statement of the reasons for such action will be furnished to the employee. Copies will also be filed with the personnel administrator, the immediate supervisor, and placed in the personnel file.

- (E) Dismissal - The Mayor has the authority to terminate any employee at any time for any reason, to include but not be limited to an employee whose job performance or actions are determined to be detrimental to the City. In all cases, the personnel administrator shall notify the employee of the action taken and a copy of such notice shall be retained in the employee's personnel file. Statements by the employee may be placed in the personnel file.

Disciplinary action for police officers will be conducted in compliance with KRS 15 and KRS 95.

### Section 3 – Reasons for Disciplinary Action

The Mayor/Personnel Administrator may discipline any employee by suspension without pay, reduction in pay or grade, transfer, termination or any other means, for any reason, including, without limitation:

- (A) Being convicted of a felony, even if that conviction has not become final, or other crime;
- (B) Absenteeism;
- (C) Unauthorized absence from work without leave;
- (D) Tardiness or abuse of sick leave;
- (E) Inefficiency or ineffectiveness;
- (F) Abuse of City property;
- (G) Willfully giving false statements to the Council, the Mayor, its agents and employees, supervisors, officials or the public;
- (H) Violation of City regulations policies, procedures and personnel policies;
- (I) Discovery of a false statement in an application which had not been detected previously provided such statements are of relevance to the employee's current status;
- (J) Acceptance of gratuities in conflict with the policy outlined in Chapter 13 of these rules;
- (K) Refusal to be examined by an independent physician when so directed;
- (L) Political activity in conflict with City policies, as set forth in Chapter 13.
- (M) Appropriating City owned property for personal use without permission;

- (N) Conduct on or off the job unbecoming of a City employee or which brings damage to the City, provided the employee is given written specific incidents upon which the charge is based;
- (O) Insubordination, inappropriate, or unreasonable conduct;
- (P) Any Harassment or indecent, abusive, disrespectful, or threatening language or behavior;
- (Q) Refusal to work with someone because of the existence of a disability, race, age, national origin, sex, religion, sexual preference, or gender identity;
- (R) Failure to submit to a search in the workplace based upon reasonable suspicion that a work rule has been violated;
- (S) Possession or attempted possession of a weapon or firearm on City premises and/or while on duty, except for law enforcement personnel who have been authorized to carry a weapon;
- (T) Embezzlement, fraud or dishonesty of any kind, including but not limited to failing to respond completely to City inquiries and/or dishonesty concealing job-related information;
- (U) Being under the influence of alcoholic beverages and/or the use of other than prescription drugs while working.

The Department Heads can recommend disciplinary action to the Mayor and make reprimands. A supervisor may impose an immediate suspension, with or without pay, if, in the opinion of the supervisor, the employee is unfit for duty or a danger to himself/herself or others.

#### Section 4 -- Notice of Disciplinary Action

The Personnel Administrator shall provide each disciplined employee with a written notice of the discipline imposed and the reasons for that discipline; and a copy of that notice shall be included in the personnel file of the disciplined employee.

#### Section 5 – Employee Protection Policy

It is the intent of the City of Park Hills to adhere to all laws and regulations that apply to the City and the underlying purpose of this policy is to support the City's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the City and provides the City with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

The City will not retaliate against an employee who in good faith, has made a protest or raised a complaint against some practice of the City, or of another individual or entity with whom the City has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.



The City will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of the City that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

#### Section 6 -- Appeal Rights

Any employee who has received disciplinary action except for dismissal has the right to pursue the guidelines established in Chapter 15 of these policies. The provisions of Chapter 15 do not apply to the uniformed officers and employees of the police department.

An employee whom the City of Park Hills intends to dismiss for an act that injures his/her reputation, good name, honor or integrity and constitutes the deprivation of a liberty interest will be afforded notice and an opportunity to be heard to refute the charges if the charges brought by the City of Parks Hills have been or will be disseminated to the public by the City or its agents and employees.

An employee whom the City of Park Hills intends to dismiss who has a property right to continued pay and benefits under an employment contract will be afforded notice and an opportunity to be heard to refute the charges and reasons upon which the intent to dismiss is based.

In such an event the City of Park Hills will notify the employee in writing of the intent to dismiss him/her and the specific reasons for dismissal including the action on which the intent to dismiss is based including date, time and place of such action and the names of the parties involved. No later than 5 working days after receipt of the notice of intent to dismiss the employee may request in writing a pre-termination hearing to appear personally or with counsel to reply to a designee of the City. This pre-termination hearing, if requested in writing, will be held within 6 working days of receipt of the written request. The designee shall determine whether to dismiss the employee or to alter, modify, or rescind the intent to dismiss giving the employee in writing the specific reason for dismissal and advising the employee of his/her right to a due process hearing before the Park Hills City Counsel. The dismissed employee has 30 days after receipt of the notice of dismissal from the City's designee to request a hearing before the City Council and the Council has 60 days in which to set a day and time for the hearing if so requested.

Notwithstanding an employee's right to the hearings described above, the supervisor who initiates the process to dismiss the employee or is designated to conduct the pre-termination hearing may suspend the employee with or without pay until a final decision is made.



## **CHAPTER 9**

### **SEPARATIONS**

Any employee may be separated from the service of the City by any one of the six (6) different methods described below.

#### **Section 1 -- Resignation**

- (A) To resign in good standing, an employee must give the personnel administrator a minimum of fourteen (14) calendar days' notice. No annual leave will be granted during the last two (2) weeks of employment. Failure to comply with this rule will be entered on the personnel record of the employee and may result in denial of reemployment with the City and the forfeiture of accumulated annual leave. Exceptions to this rule may be granted by the personnel administrator. In such cases a written explanation of such exception will be placed in the personnel record of the employee involved.
- (B) The City may re-employ any employee who has resigned with a satisfactory employment record. At the written request of the Department Head, the Mayor may grant credit for the applicant's prior years' service. However, former employees being re-employed after more than one year has elapsed from the date of his or her resignation accrue benefits and seniority in the same manner as any other new applicant. Employees being re-employed in positions where training is mandated for maintaining licensure or certification will receive the training necessary for eligibility for the position on the applicant's expense and time.
- (C) An employee in good standing, who has attained the required number of years of service to qualify for full retirement under the Kentucky Retirement System, may request to be rehired by the City of Park Hills. The current rules for rehire as set forth by the Kentucky Retirement System will apply. There can be no agreement between the City and the retiring employee to be rehired by the City after the retirement takes effect. The request must be in writing and submitted to the Mayor with the approval of the Department Head. If approved by the Mayor, City Council must concur by majority vote. The person rehired must start at the beginning of the appropriate salary bracket for the position to which they are appointed. No accrued leave time will be carried forward. All accruals start the same as a new hire. They must seek health care from the retirement system. All other benefit eligibility applies.

#### **Section 2 -- Compulsory Resignation**

An employee who, without valid reason, fails to report to work for one (1) or more days without authorized leave may be separated from the payroll and reported as a compulsory resignation. Such action will be entered on the service record of the employee and will result in denial of re-employment with the City.

#### **Section 3 -- Lay-offs**

When, for any reason, it becomes necessary to reduce the working force of the City, insofar as

practical, employees may be laid off on the basis of a City approved plan that includes three factors: length of service in class, length of service with the City, and the results of performance evaluations.

- (A) Employees to be laid off will be notified in writing by the personnel administrator at least 30 calendar days prior to the effective date of the lay-off. Employees anticipated for lay-off may be eligible for outplacement assistance.
- (B) City may re-employ any employee who has been laid off with a satisfactory employment record. Upon re-employment, credit will be granted for prior service. Employees being re-employed in positions where training is mandated for maintaining licensure or certification will receive the training necessary for eligibility for the position on the City's expense and time.

#### Section 4 -- Disability

The personnel administrator may request any employee to be examined by a physician designated by the City and paid for by the City. When a disability of any kind is discovered which impairs their ability to perform the essential functions of the job, and reasonable accommodations cannot be made, the following action will be taken:

- (A) If the disability is correctable, the employee will be allowed a specified time as determined by the personnel administrator to have it corrected. If the employee fails to take steps to have the disability corrected within this specified time, he/she is subject to disciplinary action or lay-off.
- (B) If, in the opinion of the examining physician, the disability cannot be corrected, the personnel administrator will:
  - 1) Attempt to place the employee in another position which he/she can perform satisfactorily or to make other reasonable accommodations. If that cannot be accomplished successfully, the personnel administrator will:
  - 2) Take steps to separate the employee from the City workforce.

#### Section 5 -- Loss of Job Requirements

Any employee who is unable to perform their job adequately because of loss of a necessary license or other requirements may be separated.

#### Section 6 -- Dismissal

Provided for in Chapter 8 of these policies.

#### Section 7 -- Retirement

Upon retirement, an employee shall receive full payment for any unused annual paid leave time earned up to the day of separation.

## **CHAPTER 10**

### **TRAINING & TRAVEL**

#### **Section 1 -- Policy**

Career development shall be considered an integral part of an employee's work experience. Each employee of the City is eligible to participate in career training and continuing education opportunities relating to the assigned duties of that employee. Such training and educational opportunities may include, but are not limited to, seminars, conferences, workshops or other training sessions, correspondence courses and formal education.

#### **Section 2 -- Training Approval**

The Mayor and department heads shall periodically advise City employees of and solicit employee requests for appropriate training/continuing education opportunities. Employees may request attendance at training or educational activities by submitting such request in writing to their supervisor.

#### **Section 3 -- Travel**

All travel shall be subject to authorization and approval by the department head. The personnel administrator or his/her delegate shall give final approval to all travel. Travel expenses while on official city business shall be allowed as follows:

- (A) Public transportation shall be utilized if feasible. For air travel, less than first class shall be used if available. Under justified circumstances or for expediency, the personnel administrator may authorize other travel means.
- (B) Official travel in privately owned vehicles shall be reimbursed at the standard government rate set by the IRS Standard Mileage rates.
- (C) Other necessary expenses may be authorized and approved for reimbursement at actual cost. Such expenses may include taxi, parking, tolls, telephone, service charge, and other similar expenses.
- (D) Reimbursement for lodging shall be at the actual cost and at the approval of the Mayor.
- (E) Reimbursement for meals shall be at the actual cost with a limit of \$31.00 per day.
- (F) Other allowable travel expenses are:
  - 1) Registration fees encumbered by attending a meeting on approval of the department head and personnel administrator.
  - 2) Rental car use will be reimbursed only when the use of such a vehicle is more feasible than any other type of transportation.
  - 3) Tips are reimbursable at a rate of 15 percent of the actual meal expenses or per diem

allowance for meals.

- 4) Other expenses incurred which the personnel administrator authorizes and approves.
- 5) Telephone charges encumbered while making telephone calls for the business of the city.
- 6) Copying charges for documents received while on city business away from the office.
- 7) Any service charge which might be encumbered while on the business of the city.

#### Section 2 -- Use of City Owned Vehicles

City owned vehicles shall be used only in the performance of official city business or by special approval of the personnel administrator. Any employee operating or responsible for a city vehicle must be aware of, and comply with, the city's policy on the operation of vehicles.

#### Section 3 – Tuition Reimbursement

The City will entertain applications from employees for tuition reimbursement on a case by case basis. All decisions on applications for tuition reimbursement are made by the Mayor. Tuition may be reimbursed for those employees having four (4) or more years of continuous employment with the City. The maximum annual amount of tuition that may be reimbursed is \$5,000.00.

Prior to the grant of any request for tuition reimbursement, the employee must agree in writing that in the event his or her employment with the City is terminated for any reason, or no reason, the employee shall pay to the City the following percentages of the tuition reimbursement, plus all costs of collection, including court costs and reasonable attorney's fees:

- (A) 100% of the tuition reimbursed if the termination occurs within one year of the last tuition reimbursement;
- (B) 66.66% of the tuition reimbursed If the termination occurs within two years of the last tuition reimbursement; or
- (C) 33.33% of the tuition reimbursed if the termination occurs within three years of the last tuition reimbursement.

In order to be eligible for reimbursement, an employee completing undergraduate courses must receive an "A" grade for 100% reimbursement, a "B" for 75% reimbursement, or a "C" for 50% reimbursement. An employee completing graduate courses must receive a "B" or higher to receive 100% reimbursement or a "C" for 75% reimbursement. Grades below a "C" will not be eligible for reimbursement.

## **CHAPTER 11**

### **RECORDS AND REPORTS**

#### **Section 1 -- Personnel Transactions**

All appointments, separations, and other personnel transactions will be made on standard forms designated by the personnel administrator. A separate personnel record will be prepared and maintained for each employee and will contain the original or a copy of all pertinent documents required by state and federal law.

#### **Section 2 -- Public Inspection**

All personnel records of employees covered under these policies and all other records and materials relating to the administration of these personnel policies will be considered confidential and the property of the City, except as provided by the Kentucky Open Records Act.

The following information relative to employees and former employees is available for public inspection at reasonable times and in accordance with such procedures as the personnel administrator may prescribe: name, class, title, and salary. Other records and performance rating reports are accessible only to the personnel administrator, the immediate supervisor, and the employee involved. Other personnel information may be made available for official purposes only at the discretion of the personnel administrator. A record of such release will be placed in the personnel file of the employee in question.

#### **Section 3 -- Retention of Records**

Original personnel files are kept permanently. Application files of persons not hired by the City will be kept in accordance with the State of Kentucky Records Retention Schedule.

#### **Section 4 -- Changes in Records**

If for any reason a request is made to alter the personnel records of an employee, such request shall be in writing to the personnel administrator and shall set forth fully the reasons for the request. If the request is denied, the employee may make an appeal to the mayor. See Chapter 15 for appeal and grievance procedures.

## **CHAPTER 12**

### **ATTENDANCE AND LEAVE**

#### **Section 1 – Hours of Work**

Regular hours of work are set by the personnel administrator. All employees will be in attendance during these times each working day unless prior arrangements have been made. As a matter of general practice, lunch periods will be provided in accordance with state and federal law; generally in the middle of an employee's shift. Employees classified as non-exempt personnel are hereby limited to 40 hours per standard work week unless approved by the employee's supervisor or departmental policy. All staff members have the obligation to inform their respective supervisor of their whereabouts and anticipated time of return when out of the office. Exempt personnel are required to work as required by specific projects and work load. Exceptions to this section may be approved by the immediate supervisor and/or personnel administrator.

#### **Section 2 -- Work Breaks**

All employees are entitled to one fifteen minute break during each continuous four hour period worked. Employees are entitled to one-half hour for lunch. As a matter of general practice, half-hour lunch periods should be taken anytime between the hours of 11:00 a.m. to 2:00 p.m.

#### **Section 3 – Overtime**

All overtime must be approved by the immediate supervisor; time sheets prepared weekly indication any such hours and submitted to the City Clerk's office timely. Unusual or excessive overtime must be pre-approved by the Personnel Administrator.

#### **Section 4 -- Holidays**

The following days are described paid holidays at the regular rate of pay for all full-time employees.

January 1	New Year's Day
Third Monday in January	Martin Luther King Jr. Day
Third Monday in February	President's Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Fourth Thursday in November	Thanksgiving Day
December 25	Christmas Day

#### **(A) Full-Time Exempt Personnel – Administrative Office and Police Clerk**

If a holiday falls on a Sunday, the following day will be considered the holiday. If it falls on a Saturday, the preceding day will be considered the holiday.

A full-time salaried employee who is required to work on a designated holiday shall receive pay at the rate of straight time plus time and one-half.

(B) Full-Time Non-Exempt Personnel – Public Works

If the employee(s) work(s) on a holiday, the employee will be compensated at the rate of time, plus time and one-half.

(C) Full-Time Non-Exempt Personnel – Police Department

- a. There are four holidays the first half of the fiscal year and three holidays the second half of the fiscal year. Each officer will be paid a three (3) eight (8) hours at his/her regular rate on June 30 of each fiscal year, and paid a four (4) eight (8) hours at his/her regular rate on December 31 for a total of seven paid holidays.
- b. If an officer is scheduled to work on a holiday and actually works the holiday, the officer will be compensated at a rate of time and one-half of his/her regular hourly rate.
- c. If an officer is scheduled to work on a holiday, but takes the holiday as a vacation day, the officer will be compensated at his/her regular hourly rate, that being his/her rate at the regular vacation rate (not the holiday rate).
- d. No officer will be compensated at the holiday rate, unless he/she actually works the holiday.

Section 5 -- Vacation Leave

(A) General -- Vacations are for the purpose of rejuvenating both physical and mental faculties, and all employees are urged to avail themselves of vacation periods. No employee will receive pay in lieu of vacation.

(B) Eligibility -- All regular full-time and part-time employees in the City's service are entitled to earn and accrue annual (vacation) leave. Annual (vacation) leave commence accruing after the first six (6) months of the anniversary date and upon each subsequent anniversary year. Part-time and interim employees are not entitled to earn or accrue annual (vacation) leave.

(C) Rate of Leave Accrual -- Full-time employees in the City's service accrue annual leave at the following rate (a week is defined as 40 hours):

<u>Continuous Service Period at Anniversary Date</u>	<u>Earned Vacation</u>
After six (6) months of service	One (1) week of vacation
After one (1) year of service	Two (2) weeks of vacation
After five (5) years of service	Three (3) weeks of vacation
After fifteen (15) years of service	Four (4) weeks of vacation

Vacation leave is based on the City's fiscal year. Vacation Leave accrues at a biweekly rate.



- (D) Requests for Leave -- A request for vacation leave is submitted to the immediate supervisor. Leave may be taken only with approval by the immediate supervisor, so that, insofar as practicable, the City can function without hiring provisional help. Under usual circumstances, approval must be granted prior to taking annual leave. If two (2) employees within the same department request the same dates for leave and granting both employees leave is not practicable then seniority, years of service and employee workload will be used to determine which employee will be granted leave for the specified dates.
- (E) Working During Annual Leave -- An employee shall not work for the City and receive payment for accrued annual leave concurrently.
- (F) Record --The annual leave record for each employee shall be kept by the personnel administrator or his/her designee and constitutes the official record with regard thereto. The personnel administrator will, upon request, inform employees of annual leave hours accrued. The carryover of 40 hours of vacation leave will be allowed from year to year. If more than 40 hours of carryover is desired, the employee must make a request thereof in writing to his or her Department Head. The request will be forwarded to the personnel administrator, who may or may not approve the request for carryover of vacation leave. The decision to approve any request for carryover of vacation leave is a matter of sole discretion with the personnel administrator.

#### Section 6 -- Sick Leave

- (A) General-- Sick leave will be allowed to an eligible employee: (1) in the case of actual sickness or disability of the employee or for medical, dental, or eye examination or treatment for which arrangements cannot be made outside of working hours, and (2) when the employee is required to care for a sick or injured spouse, child, foster child or step child, their spouses, father, mother, father-in-law, mother-in-law, brother, sister, stepmother, stepfather, or persons living in the employees household. An employee must report their sick leave accumulation. A employee must report all instances of illness requiring absence from work, prior to his/her scheduled work time, or as promptly as possible thereafter.
- (B) Eligibility -- Only full-time employees are entitled to earn sick leave.
- (C) Rate of Sick Leave Accrual -- Eligible full-time employees begin to accrue sick leave immediately upon employment at the rate of 8 hours per month.
- (D) Certification by Physician -- A medical certificate signed by a licensed physician may be required by the personnel administrator to substantiate a request for sick leave for the following reasons:
- 1) To justify any period of absence;
  - 2) To support a request for sick leave during a period when the employee is on vacation leave;
  - 3) To justify any duration if absence from duty occurs frequently or habitually; provided the employee has been notified or warned that a certificate will be



requested.

- (E) Maximum Allowable Accumulation -- Sick leave may not be accumulated in excess of 45 days (360 hours).
- (F) Forfeiture of Sick Leave -- Upon separation of employment for any reason, no employee will be eligible to receive compensation for any unused/accumulated sick time.
- (G) Forms -- The completion of a sick leave form may be required of the employee upon returning to work.
- (H) Record -- The sick leave record is kept by the personnel administrator and is considered official. The personnel administrator will inform employees of accrued sick leave.

## Section 7 -- Other Types of Leave

### (A) Military Leave

- 1) Any employee who is a member of the National Guard or an organized military reserve of the United States will be granted military leave without loss of pay for eighty (80) hours of active duty or field training encampment. Leave of absence shall be approved only upon presentation of orders pursuant to such training.
- 2) Any employee who leaves the City service for active military duty, either voluntary or involuntary, will be considered on military leave without pay or benefits. In order to be eligible for reinstatement in the City service, an employee must have received a general or honorable discharge and must not have been absent for military duty for longer than the following:
  - a) The duration of the war or state/national emergency plus six months, or
  - b) Six years in peace time.
- 3) The returning employee must make application for re-employment within 90 days after being discharged from military duty or hospitalization or treatment which continued after discharge for not more than a year.
- 4) The employee eligible for reinstatement will be entitled to restoration to his/her former position provided the following circumstances apply:
  - a) The position still exists; and/or
  - b) It is not held by a person with greater seniority; and/or
- 5) The person still is qualified to perform the duties.
- 6) If the returning employee is unable to be reinstated in the previous position, he/she will be placed in another position for which he/she is qualified, which will provide similar seniority, status, and pay for the closest approximation.
- 7) Any employee restored to a position with the City following military duty will not

be discharged from the position without cause within one year after restoration. The employee will be restored without loss of seniority for the period of the absence.

- 8) In case of questions as to the meaning of sub-section A, KRS 61.371 to 61.379 regarding military leave will prevail.
- (B) Civil Leave -- An employee will be given time off without loss of pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, not instituted by the employee, provided such call of duty is reported in advance to the personnel administrator. All civil leave paid by the court to such employees, must be turned over to the City upon receipt of such compensation. An employee may keep money given by the court for parking expense reimbursement, provided a valid receipt is presented to the City.
- (C) Temporary Disabilities Not Covered by Employees Compensation -- An employee who becomes temporarily disabled will be allowed to exhaust his/her sick and vacation leave accumulations. After all sick and vacation leave has been used, further extension of leave (without pay) must be specifically authorized by the personnel administrator.
- (D) Maternity Leave -- Maternity is treated as any other temporary disability. Accrued sick leave and annual leave may be taken. Unpaid leave may be granted by the personnel administrator when, in his/her opinion, the City's programs will not suffer excessively as a result of the position being temporarily vacated. Leave for maternity purposes begins and ends based on the judgment of the employee's physician or at such time as the employee's work effectiveness is impaired. A maximum of four (4) months may be granted as non-medical maternity leave.
- (E) Paternity Leave -- Paternity leave may be granted to the father of a newborn child for a period up to six (6) weeks. Accrued vacation leave may be taken. Then unpaid leave may be granted by the Personnel Administrator when, in his/her opinion, the city's programs will not suffer excessively as a result of the position being temporarily vacated.
- (F) Leave of Absence Without Pay -- The Personnel Administrator may grant an employee a leave of absence without pay for a period not to exceed six (6) months. The following practices will be adhered to:
- 1) Leave without pay will be granted only when it will not adversely affect the City's work effectiveness.
  - 2) Failure of an employee to return to work at the expiration of approved leave will be considered as absence without leave and grounds for disciplinary action.
  - 3) A employee granted leave of absence and who wishes to return before the leave period has expired may be required to give the City at least two (2) weeks' notice. Upon receipt of such written notice, the employee may be permitted to return to work at the discretion of the personnel administrator.

- 4) No sick leave or annual leave will be earned by an employee for the time that the employee is on leave without pay. An employee will not receive a holiday off with pay, unless they have worked either the day before or the day after, the holiday.
  - 5) An employee will return from leave without pay to the same step of his/her salary grade as at the time of commencement of leave.
  - 6) An employee who obtains full-time employment elsewhere, while on an authorized leave of absence without pay, shall be immediately terminated.
  - 7) An employee desiring a leave of absence must submit a written request to the personnel administrator detailing the reasons and expected duration.
- (G) Absence Without Leave -- An absence of an employee from duty, including any absence for a single day or part of a day that is not authorized by a specific grant of leave of absence under the provisions of these regulations, is deemed to be an absence without leave. Any such absence is cause for disciplinary action.
- (H) Emergency Leave -- When an employee is absent from work due to circumstances beyond his/her control the personnel administrator may grant emergency leave. Such emergency leave may be charged to annual leave or may be granted on the basis of leave without pay.
- (I) Funeral Leave -- In the event of death in an employee's immediate family, he/she shall be granted paid funeral leave of up to three (3) work days. The employee will receive his/her normal pay for any scheduled work day that occurs during the period. Immediate family is defined as spouse, child, foster child or step child, their spouses, father, mother, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparents, brother, sister, stepmother, stepfather, or any person domiciled in the employee's household. An additional three days leave may be granted and charged to sick time. For all other relatives not previously mentioned the employee is allowed one (1) day of funeral leave.
- (J) Voting Leave -- An employee will be given ample time off without loss of pay in order to vote in primary or general elections. However, such leave will be granted only if application for such leave has been made prior to Election Day. The personnel administrator reserves the right to specify the hours during which an employee may absent themselves.
- (K) Adoptive Parent Leave -- Upon written request to the personnel administrator, a employee may request and be granted personal leave of absence without pay not to exceed six (6) weeks when the reception of an adoptive child under the age of seven is the reason for the request. The employee may use accrued vacation leave.
- (L) Personal Leave - Any employee will be granted three (3) personal leave days, upon request, in each calendar year of employment. Any such request shall be made to the Personnel Administrator in advance of the requested day(s). Such leave shall be granted unless, in the

sole judgment of the Personnel Administrator, the grant of leave will likely adversely affect the general operation of the City. Personal leave cannot be accumulated from year-to-year.

- (M) Family and Medical Leave – As a public employer the City is covered by the Family and Medical Leave Act of 1993 (FMLA). Furthermore, at such times as the City has less than 50 employees, employees would not be eligible for FMLA leave in any event. Without waiving its possible FMLA immunity, the City intends to grant leave in accordance with FMLA provisions (hereinafter referred to as “FMLA leave”) whenever it has more than 50 employees. FMLA leave provides job-protected, unpaid leave (or to substitute appropriate paid leave if the employee has it available for use) to “eligible” employees for several family and medical reasons for up to a total of 12 workweeks in any 12 months. Employees are eligible if they have worked for at least one year and for 1,250 hours over the previous 12 months.

- 1) Genetic Information Nondiscrimination Act (GINA) – This law prohibits employers covered by GINA Title II (those also covered by FMLA) from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed. To comply with this law, the City asks that employees not provide any genetic information when responding to this request for medical information. “Genetic Information” as defined by GINA includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or family member sought or received genetic services, and genetic information of a fetus carried by an individual or family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

#### Section 8 – Transfer of Accrued Paid Annual Leave, Sick Leave and Personal Leave Between Employees

Accrued paid annual leave, sick leave, and personal leave may be donated from one employee to another employee according to the following conditions:

- (A) The donee employee must have exhausted all paid leave available to him or her.
- (B) Either the donee employee must have a bona fide illness or disability precluding him or her from performing his or her job; or a member of the donee employee’s immediate family has a bona fide illness or disability precluding the donee employee from performing his or her job.
- (C) Any proposed donation of accrued paid annual leave, compensatory time, sick leave, and personal leave must be wholly voluntary on the part of the donor employee.
- (D) Any proposed donation of accrued paid annual leave, compensatory time, sick leave, and personal leave may not be any type or kind of loan from the donor employee to the donee employee.

- (E) All proposed donations of accrued paid annual leave, compensatory time, sick leave, and personal leave between employees must be in increments of whole days.
- (F) Every proposed donation of accrued paid annual leave, compensatory time, sick leave, and personal leave between employees will be based on an even trade, regardless of job class or salary level of the donor and donee employees.
- (G) Every proposed donation of accrued paid annual leave, compensatory time, sick leave, and personal leave must be approved in writing by the department heads of the donor and donee employees and the personnel administrator.

## **CHAPTER 13**

### **POLITICAL ACTIVITY**

#### **Section 1 -- Policy - Employees**

Employees shall be free to vote as they choose and to express their opinions on all political subjects and candidates. It is not the intent of this chapter to restrict an employee's activity while off duty from the City and out of uniform. However, employees shall use caution to ensure such work is not construed as related to his/her employment with the City. Employees shall not in any circumstances:

- (A) Use their office to influence elections or nominations or for other political purposes;
- (B) Solicit or receive political contributions while on duty;
- (C) Require other employees to make political contributions; or
- (D) Use political influence in connection with their employment status.

#### **Section 2 -- Personnel Policies Implementation**

The personnel administrator shall implement the personnel policies of the City in accordance with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination on basis of political affiliation.

## **CHAPTER 14**

### **CONFLICT OF INTEREST**

#### **Section 1 -- Acceptance of Gifts and Gratuities**

An employee may not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he/she has official relationships on business with the City. These limitations are not intended to prohibit employees from accepting articles of negligible value which are widely distributed to the general public nor from accepting social courtesies which promote good public relations. It is particularly important that City employees guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. The securing of a loan by an employee from a financial institution doing business with the City does not necessarily constitute a conflict of interest.

Violations of this policy may result in disciplinary action as outlined in Chapter 8.

#### **Section 2 -- Contracting with City Employees**

The City will not contract with nor purchase services from City employees outside the terms of the normal conditions of employment.

#### **Section 3 -- Profit on Knowledge Based on City Employment**

An employee may not use the confidential knowledge gained while on official duty for the City for his/her own profit. Violation of this policy will result in disciplinary action as outlined in Chapter 8.

#### **Section 4 -- Product, Service, or Equipment Promotion**

Employees of the City may not sell, recommend, or promote a specific brand of product, service, or equipment that may be subject to inspection or evaluation by a City employee. Employees may not recommend the services of a single individual or firm or express preference for one qualified vendor over another.

#### **Section 5 -- Confidentiality**

Employees of the City will receive and have access to information that is confidential in nature. Employees are not to disclose any such confidential information to (a) any other City employee unless there is a legitimate business reason for doing so; or (b) any person not employed by the City unless the Mayor, or a direct supervisor, has expressly stated that the information can be disclosed to that person. This obligation exists after the employee leaves the organization.



## **CHAPTER 15**

### **APPEALS AND CONFLICT RESOLUTION PROCEDURES**

#### **Section 1 -- Policy**

These conflict resolution procedures are limited to conditions of employment and disciplinary actions except for employment dismissals which are exempted from them. The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they occur. However, it is recognized there may be grievances which will be resolved only after appeal and review. The purpose of this rule is to insure all employees are afforded fair, equitable, and expeditious review of their grievances without fear, coercion, or discrimination.

#### **Section 2 -- Steps in the Conflict Resolution Procedure**

- (A) The first step in resolving any grievance is informal review by the individual's immediate supervisor. Such a complaint may be presented in writing to the immediate supervisor. It must be presented within 30 calendar days of the occurrence of the complaint. The supervisor will meet informally with the complainant to resolve the issue. A decision will be made within eleven (11) working days of the receipt of the grievance. The complainant and the personnel administrator will be notified of the decision. If the employee's immediate supervisor is the subject of the grievance, then the employee may bypass this step and move directly to Step (B) by presenting the grievance to the Department Head within 30 days of the occurrence.
- (B) If the decision of the immediate supervisor is not favorable to the complainant, or if the immediate supervisor fails or refuses to take action, the grievance may be presented to the department head for a hearing. The complainant must present the grievance in writing to the department head within seven (7) working days of receiving the decision of the immediate supervisor. The department head will notify the immediate supervisor the grievance has been filed. The department head will meet with the immediate supervisor and the complainant in an effort to resolve the issue. The department head's decision must be presented in writing to the complainant and the immediate supervisor within eleven (11) working days of the receipt of the complaint.
- (C) If the decision of the Department Head is not favorable to the complainant, or if the Department Head fails or refuses to take action, the grievance may be presented to the Mayor for a hearing. The complainant must present the grievance in writing to the Mayor within seven (7) working days of receiving the decision of the Department Head. The Mayor will notify the Department Head the grievance has been filed. The Mayor will meet with the Department Head and the complainant in an effort to resolve the issue. The Mayor's decision must be presented in writing to the complainant and the Department Head within fifteen (15) working days of the receipt of the complaint.

Written notification will also be provided to the individual, if any, about whom the complaint was made. Additionally, any employee demoted, suspended, or dismissed may request a grievance hearing. If a grievance of a legal nature has been asserted, the City reserves the right to permit this type of grievance to be handled through the legal system rather than this process.

#### Section 3 -- Waiver of Time Requirements

Additionally, the time requirements of Section 2 of this chapter may be waived, partially or totally, upon mutual written agreement of the personnel administrator and the worker involved.

## **CHAPTER 16**

### **RETIREMENT PLAN AND INSURANCE PROGRAM**

#### **Section 1 -- Retirement plan**

The City participates in the County Employee Retirement System (CERS), which operates a pension-retirement fund for full-time employees. In this case only, full-time employees follow the definition established by CERS, not these personnel policies. Employees may obtain qualification requirements and program information by contacting the personnel administrator.

#### **Section 2 -- Health Care Insurance**

The City makes a health insurance plan available for full-time employees and their families, subject to the terms and conditions of the City insurance plan. The City currently uses a self-funded pool for health insurance. The City currently pays 94% of a single employee only plan. There is also a Health Savings Account available for each full-time employee who participates in the health insurance plan; the total amount that can be reimbursed is \$1,200 annually.

If an employee voluntarily opts not to participate in the City's health insurance plan, that employee may be eligible to receive \$100 each month.

For any questions in reference to insurance, please contact the personnel administrator. Please note that the insurance plan may change at any time at the discretion of the Mayor and City Council.

#### **Section 3 – Dental & Vision Insurance**

The City currently provides dental and vision insurance to all regular employees. The terms and conditions for receipt of dental and vision insurance benefits are governed by the District's detailed dental and vision insurance plans. The District currently pays 100% of the premiums for its single plan for all full-time regular employees subject to budget availability.

#### **Section 4 -- Employee's Compensation Act**

The City will provide employee's compensation insurance for all employees at no cost to the employees. An employee must report all accidents promptly and no later than 24 hours after the incident. If an employee has an accident while at work, no matter how minor the injury may be, it must be reported promptly to the personnel administrator. An employee may then be sent to a doctor, or may go to one of his/her preference provided said visit is necessary. As soon as possible after such an accident, a full report must be made to the Bureau of Employee's Compensation. The personnel administrator will assist in the preparation of this report.

#### **Section 5 - Life Insurance**

The City will pay 100% of the premium for a life insurance policy. The terms and coverage amount of this benefit are as determined by the City and subject to change at any time. For further information, contact the personnel administrator.

#### Section 6 -- Disability Insurance

The city will provide all full-time regular police officers and the public works employees a disability insurance policy at no cost to the employee. The terms and coverage amount of the disability insurance is determined by the city and subject to change at any time.

## **CHAPTER 17**

### **HARASSMENT**

#### **Section 1 - Policy**

The City of Park Hills is committed to maintaining a work environment that is free of discrimination and harassment. In keeping with this commitment, conduct will not be tolerated that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

#### **Section 2 -- Harassment Definition**

Harassment on the basis of race, color, religion, gender, national origin, age, disability, or other unprotected classification constitutes discrimination in the terms, conditions, and privileges of employment. Harassment in retaliation for opposing or complaining about discrimination or participating in discrimination legal proceedings is also against the law. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that:

- (1) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- (2) Has the purpose or effect of unreasonable interfering with an individual's work performance; or
- (3) Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- (1) Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, national origin, age, disability, or other unprotected classifications.
- (2) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, disability, or other unprotected classifications and that is placed on walls, bulletin Boards, or elsewhere on the employer's premise, or circulated in the workplace.
- (3) Slurs, jokes, verbal or physical conduct in retaliation for opposing or complaining about discrimination or participating in discrimination or participating in discrimination legal proceedings.
- (4) The City prohibits all harassing conduct, even if the conduct is so minimal that it does not constitute illegal harassment under discrimination laws.

#### **Section 3 -- Harassment Complaint Procedure**

Employees encountering harassing conduct should consider telling the offending person that his/her actions are inappropriate and offensive. The employee should also consider documenting all incidents of harassing conduct in order to provide the fullest basis for investigation. In addition, the employee shall notify his/her supervisor of the harassment, as soon as possible, so that steps may be

taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. If the alleged harassment involves the immediate supervisor, the employee should contact the Mayor. If the Mayor is the immediate supervisor, the employee should contact a representative of City Council directly. All reports will be promptly and thoroughly investigated and will be treated confidentially to the extent consistent with a thorough investigation. The city will not authorize or permit any form of retaliation against any employee who has made a good faith claim of harassment.

#### Section 4 -- Sexual Harassment Definition

Sexual harassment deserves special mention. Inappropriate sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex may constitute illegal sexual harassment when:

- (1) Submission to such conduct is either explicitly made a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include, but is not limited to, explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body. The City prohibits all harassing conduct, even if the conduct is so minimal that it does not constitute illegal harassment under discrimination laws.

#### Section 5 -- Sexual Harassment Complaint Procedure

All employees are responsible for helping to assure the City avoids harassment. If an employee feels that he/she has experienced or witnessed harassment, that employee must notify either their immediate supervisor, the personnel administrator, the Mayor, or if necessary, a representative of the Council. Reports are to be made as soon as practicable, preferably within 24 hours, and preferably, in writing. Oral reports, however, will also be taken in case of unusually sensitive circumstances.

The City's policy is to investigate all such complaints. To the fullest extent practicable, the City will keep complaints and the terms of their resolution confidential to the extent that the law allows. If an investigation confirms that harassment has occurred, the City will take corrective action in accordance with the nature and extent of the offense.

#### Section 6 -- Harassment & Sexual Harassment False Accusations Procedure

The City recognizes that false accusations of harassment can have a serious effect on the innocent. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his/her false accusation.

#### Section 7 -- Harassment & Sexual Harassment Employee Inquiry Process

The City encourages any employee to raise questions he/she may have regarding the harassment policy or sexual harassment, with his/her immediate supervisor, or the personnel administrator.



## **CHAPTER 18**

### **TECHNOLOGY POLICY**

#### **Section 1 – Personal Use of Equipment**

Personal use of any and all equipment of the City shall not be allowed off-site for non-related work purposes. Computers and equipment may be used on-site by employees, for personal use, after business hours or on employee breaks, with verbal permission from their immediate supervisor, or personnel administrator. Should the personnel administrator deem any personal use as inappropriate, restriction from use of equipment for said purposes will be prohibited.

#### **Section 2 -- Use of Electric and Telephone Communications Systems**

The City may monitor telephone communications on its telephone system. All electronic information created or stored, as well as all communication made on or with the assistance of the City's computers, is the sole property of the City. All such information and communications may be reviewed and retrieved at any time by the City. The City prohibits inappropriate use of its computers. For example, excessive personal use is prohibited, as well as retrieval or transmission of indecent, obscene or pornographic materials.

#### **Section 3 – Internet Usage**

Employees will have access to the Internet for the primary purpose of research and communication for City purposes. While the Internet may be used on a limited basis for personal use, preferably after business hours or on employee breaks, employees should be advised that all usage on the City's computer may be accessed by the City. The City, as owner of the computer, has right of access to the computer, any of its components and the cache at all times. There should be no expectation of privacy for Internet usage on City's computers.

Employees should use discretion and proper judgment in the use of the Internet on City computers. Employees are responsible for all information viewed and downloaded from their computer. Inappropriate use or use that is in violation of any and all laws is prohibited, and the employee is subject to disciplinary procedures and/or legal ramifications for such use.

#### **Section 4 – E-mail**

E-mail made available to employees to assist them in effectively performing the functions of their position on agency computers is the sole property of the agency. The City, as owner of the e-mail, has right of access to the e-mail at all times. The Mayor may access e-mail within any department. There should be no expectation of privacy for e-mail usage on the City's computers.

While e-mail may be used on a limited basis for personal correspondence, employees should be advised that all e-mail, including personal correspondence on the City's computer, may be accessed by the City, as the owner of the e-mail. Employees should use discretion and proper judgment in the use of e-mail on City computers. Employees are responsible for all e-mail originating from their user id. Inappropriate use or use that is in violation of any and all laws is prohibited, and the

employee is subject to disciplinary procedures and/or legal ramifications for such use.

#### Section 5 - Social Media Policy

We understand that some employees may maintain Internet Blogs, contribute to the blogs of other persons, and may maintain and participate in other social media, including, but not limited to Twitter, Facebook, Google+, Instagram, Pinterest, LinkedIn...etc. (collectively, "social media"). In some instances, the City of Park Hills and an employee's career may benefit from appropriate use of social media. Still, these sites have nearly unlimited communication potential, nearly unlimited duration and retention, and, unless the creator restricts access, they may be accessed by anyone around the world with access to the Internet.

To protect the City's interests, we expect that employees who participate in social media abide by the following guidelines:

- (A) City time and equipment, including computers and electronic systems, are not to be used for social media, including updating personal website or profile, unless prior authorization has been received from the Mayor.
- (B) When discussing work on a social media website, whether at home, work or otherwise, employees must abide at all times with all legal and ethical requirements, as well as the City's personnel policies, including without limitation the unlawful harassment and discrimination and anti-retaliation policies.
- (C) Employees may not disclose via social media any of the City's confidential information including HIPAA protected information, and any other client information protected by law.
- (D) Employees may not post photographs of other City employees without their express approval to do so.

The City of Park Hills prohibits the use of Social Media to post or display comments about co-employees or supervisors or the City that are vulgar, obscene, threatening, intimidating, harassing or a violation of City policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability or other protected class, status or characteristic. Likewise, the City prohibits the use of defamatory language made with the knowledge of falsity and reckless disregard for the truth.

If posting in public on any aspect of the City's business, an employee should clearly identify himself/herself as an employee of the City and include a disclaimer such as "the views expressed are mine alone and do not necessarily reflect the views of the City of Park Hills."

#### Section 6 - Workplace Audio, Video and Digital Recording

Employees are prohibited from recording the statements and actions of other City employees by electronic means, including but not limited to audio, video and digital recordings, without prior knowledge or consent. This prohibition does not apply to recordings which are specifically authorized by the Mayor.

## **CHAPTER 19**

### **DRUG AND ALCOHOL FREE WORKPLACE**

#### **Section 1 - Introduction**

The City has established a drug and alcohol free workplace policy to help maintain a safe work environment free of drug/alcohol abuse. Any questions concerning this policy should be directed to the immediate supervisor or Mayor, who administers this policy.

#### **Section 2 - Prohibited Conduct**

An employee shall not engage nor attempt to engage in the unauthorized use or possession of alcohol, illegal drugs, or controlled substances, nor may an employee be under the influence of alcohol or have unauthorized controlled substances in his/her system while on duty or on City property. If any employee is lawfully using prescribed drugs which may affect his/her job performance, or the safety of the employee or others, such use must also be reported to the immediate supervisor.

#### **Section 3 – Smoke-Free Environment Policy**

In the interest of workplace health and safety, the City of Park Hills has designated no-smoking areas.

NON-SMOKING AREAS include:

- (A) All areas, offices, and workspaces in City facilities, except for designated smoking areas, which are located outside of the building.
- (B) All rest rooms in City Buildings.
- (C) Any area within fifty (50) feet of gasoline pumps.
- (D) All storage areas including records vault, janitorial closet, etc.
- (E) All City vehicles.

Additionally, on-duty employees are not permitted to smoke, or, use tobacco, or use e-cigarettes while engaged in operations involving public contact.

#### **Section 4 - Policy Violations**

Any violations of the City's Drug and Alcohol policy will be subject to disciplinary action up to and including dismissal.

#### **Section 5 – Drug Testing Policy**

The following policy applies to all applicants and employees of the City.

Use or possession of controlled substances while holding a position requiring the performance of safety-sensitive functions is prohibited, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle.

Employees in safety-sensitive positions are required to submit to testing to determine the presence

of illegal drugs or alcohol under the following circumstances:

- (A) When performing safety-sensitive functions, and:
  - (1) Involved in an on-the-job driving accident that results in injury or death, or
  - (2) Involved in an on-the-job driving accident that results in a citation to the employee under state or local law for a moving traffic violation arising from the accident and when any vehicle requires towing from the accident scene or any involved person requires treatment away from the accident scene. An employee in such an accident is required to report it as soon as possible to the supervisor.
- (B) When observed using alcohol or illegal drugs while on duty requiring the performance of safety-sensitive functions.
- (C) When a supervisor, who has previously participated in a program that provides training in the recognition of the physical appearance and behavior of persons under the influence of alcohol or illegal drugs, observes an employee exhibiting such appearance and behavior during, just preceding or just after the period of the work day that the employee is performing in the safety-sensitive function.
- (D) If allowed to return to duty in a safety-sensitive position after a violation of drug or alcohol rules.
- (E) If allowed to return to duty in a safety-sensitive position and has been identified by a substance abuse professional as needing assistance in resolving problems with drug or alcohol abuse. Such employees will be subject to a minimum of six unannounced follow-up drug or alcohol tests over the first 12 months following his or her return to duty.

An employee who refuses to consent and submit to a test when requested will be subject to disciplinary action including termination pursuant to the disciplinary action procedures. Refusal to submit includes failure to provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement for breath testing, failure to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement for urine testing, engaging in conduct that clearly obstructs the testing process and leaving the scene of an on-the-job accident.

All information from an applicant's or an employee's drug and alcohol tests will be confidential to the extent required by law.

Employees are encouraged to seek treatment for a drug/alcohol abuse problem.

## **CHAPTER 20**

### ***VIOLENCE IN THE WORKPLACE***

#### **Section 1 – Policy**

The safety and security of all employees is of primary importance at the City of Park Hills. Threats, threatening and abusive behavior, or acts of violence against employees, visitors, customers [clients], or other individuals by anyone on City property will not be tolerated. Violations of this policy may lead to corrective action up to, and including, termination and/or referral to appropriate law enforcement agencies for arrest and prosecution. The City reserves the right to take any necessary legal action to protect its employees.

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. Following investigation, the City will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

All employees are responsible for notifying management of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior 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 a City-controlled site or is connected to City employment or City business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened. [Note: This addresses one spouse or family member threatening and/or harming another.] The City understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee. [Note: The City cannot promise absolute confidentiality because the violence may have to be reported to a law enforcement agency, other governmental agency, etc. However, the City will make every effort to maintain the anonymity of the reporting employee when at all possible.]

## **CHAPTER 21**

### **MISCELLANEOUS WORK RULES**

#### **Section 1 -- Non-Fraternization**

The City's managerial and supervisory employees are not permitted to date, or become romantically involved with, and/or engage in any similar fraternization or conduct, attempted or otherwise, with any City employee with whom they have a supervisor/superior-subordinate relationship. Prohibited fraternization may result in disciplinary action, up to and including termination of employment.

#### **Section 2 -- Cooperation With Investigations and Searches**

The City requires all employees to cooperate fully and, when requested, to participate in City investigations. This includes but is not limited to being totally honest and forthright when responding to City inquiries, as well as completing documents and statements requested by the City. The City may also conduct searches and surveillance of the workplace and employees, including but not limited to searches of persons, property, and/or personal containers. The City's workplace searches will be in accordance with the law. When legally required, searches will be based on reasonable suspicion of a violation of a City policy or directive.