

**CITY OF MADISONVILLE  
EMPLOYEE HANDBOOK**

2024 EDITION

# **City of Madisonville Mission Statement**

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To elevate the quality of life through excellent city services.

# NOTICE

The City of Madisonville Employee Handbook does not create any contractual or other legal rights. The personnel policies contained in this Handbook do not alter the city's At-Will Employment Policy nor do they create an employment contract for any period of time. This Handbook may be added to, terminated, or changed at any time by the City of Madisonville.

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## **Section 1 – Introduction**

# About the City of Madisonville Handbook

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

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

The city's core values are the following:

- Collaboration
- People-Driven
- Equity
- Innovative Vision
- Integrity
- Sustainability

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

Our Vision:

*Our vision is to provide support that will elevate every business, every home, and every person.*

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

## City Government and Organization

The City of Madisonville operates under the mayor-council form of government. The mayor-council form is the most prevalent form of city government throughout the United States and in Kentucky.

Each city organized under the mayor-council plan must have an elected executive, who is called the mayor, and an elected council called the city council. [KRS 83A.130(2) and 83A.030(1)].

The distinguishing characteristic of the mayor-council form of city government is the clear separation of powers between the executive (mayor) and the legislative (city council) branches of government. All of the executive and administrative authority is vested by statute in the mayor. [KRS 83A.130(3)]. The city council is expressly prohibited from performing any executive (or administrative) functions unless those functions have been assigned to it by

statute. [KRS 83A.130(11)]. With a few exceptions, the council is restricted to performing the legislative function. The executive branch and the legislative branch are intended to be separate, but coequal, branches of government. It is very similar to the structure of the state government where the executive/administrative authority is vested in the governor and the legislative authority is vested in the General Assembly.

### **Powers and Duties of the Mayor**

The mayor is the chief executive and administrative officer of the city. The mayor's principal function is to oversee the management of the city's daily affairs. The basic duties and authorities of the mayor in mayor-council cities are set forth in KRS 83A.130 as follows:

- Enforce the mayor-council plan, city ordinances and orders, and all applicable statutes.
- Supervise the day-to-day operations of city government and the conduct of all city officers and employees under the mayor's jurisdiction.
- Require each department to make reports as required by ordinance or as the mayor deems necessary.
- Serve as liaison with related units of local government regarding interlocal contracting and joint services.
- Report to the council and the public on the condition and needs of the city, as deemed desirable, or as required by ordinance, but at least annually.
- Promulgate procedures, subject to council disapproval, to ensure the orderly functioning of government and compliance with statutes and ordinances. Copies must be filed with the city clerk/treasurer.
- Preside at council meetings.
- Vote to break a tie at a council meeting, unless otherwise prevented by a specific statute.
- Approve or veto ordinances. The mayor may approve an ordinance by signing it or veto an ordinance by returning it to the council unsigned together with a statement of their objections within 10 days after the council approves the ordinance. If the mayor fails to act by signing or vetoing the ordinance within 10 days, the ordinance becomes effective automatically.
- Make and sign all bonds, notes, contracts, and written obligations of the city.
- Hire all city employees, including police officers, except for city council staff.
- Appoint all nonelected officers as defined in KRS 83A.080, subject to council approval.
- Discipline and dismiss all city employees and nonelected officers at will, unless tenure or terms of employment are protected by statute, ordinance, or contract, and except for council employees.
- Prepare, present, and administer the annual budget. See KRS 91A.030.
- Call special meetings of the council.
- Provide for the orderly continuation of city government by delegating authority when necessary or desirable.

If the mayor delegates their executive and administrative powers, duties, and responsibilities to subordinate officers and employees, they must do so by written executive order.

The mayor may not delegate their executive and administrative powers, duties, and responsibilities to a member of the city council, except when required to do so by statute. The doctrine of separation of powers, which is the key feature of the mayor-council form of government, and the specific language of the statutes compel this conclusion. In

support of this conclusion, KRS 83A.130(11) prohibits the council from performing any executive function except those functions assigned to it by statute. Furthermore, KRS 83A.130(7) refers to the delegation of powers to subordinate officers and employees. Members of the city council are not "subordinate" to the mayor. The members of the city council have, as elected officers, a coequal status with the mayor. Therefore, when the mayor is unable to perform their executive or administrative duties because of temporary absence or disability, the responsibility for performing those functions should be delegated to a nonelected officer such as the city administrator, city clerk/treasurer, police chief, etc., or to an employee.

There are, however, two functions that are ordinarily performed by the mayor, but which must be performed by a member of the council when the mayor is unable to perform these functions. KRS 83A.130(10) states that the responsibility of "approving ordinances or promulgating administrative procedures may only be delegated to an elected officer" (i.e., a member of council). Therefore, if it becomes necessary to delegate such responsibility, it must be delegated to a council member.

Also, the mayor may not delegate the responsibility of presiding over meetings of the council. [KRS 83A.130(10)]. In the mayor's absence, the council selects one of its members to preside in place of the mayor. This may be done in advance by ordinance or may be done by motion and vote at the meeting. A council member who presides in place of the mayor does not temporarily lose their status as a member of council and may continue to introduce legislation and vote on any issue.

Any executive or administrative action which is taken in the mayor's absence may be rescinded by the mayor within 30 days of the date the action was taken, with the approval of the council.

If the mayor is unable to perform their duties for 60 consecutive days, the council can declare the office of mayor vacant in accordance with KRS 83A.040.

### **Powers and Duties of the Council**

KRS 83A.130(11) provides that the "council of the city shall be vested in and exercised by the elected council of the city." City councils may not perform any executive or administrative function, unless specifically authorized by statute. [KRS 83A.130(11)]. For instance, council members may not supervise the day-to-day operations of city government or exercise department superintendent authority over city employees.

KRS 83A.130 and other sections in KRS Chapter 83A set forth the specific powers and authorities of the city council as follows:

- Establish, by ordinance, all appointed offices and the duties and responsibilities of those offices.
- Enact all codes, rules, and regulations for the general public's health, safety, and welfare.
- Provide sufficient revenues to operate city government through the adoption of an annual budget ordinance and by levying all taxes and establishing all fees and charges for city services.
- Establish, by ordinance, the compensation to be paid to all elected and appointed officers and employees of the city. [KRS 83A.070].
- May investigate all activities of city government and may require any city officer or employee to prepare and submit sworn statements regarding the performance of their official duties. If an office, department, or agency under the jurisdiction of the mayor is involved, written notice of the council's action must be provided to the mayor, who then has the right to review any statement before its submission to the council, and to appear on behalf of the office, department, or agency in the course of the investigation. [KRS 83A.130(13)].
- May disapprove regulations promulgated by the mayor.

- May override mayoral vetoes by the affirmative vote of one more than a majority of the membership of the entire council. If the council wishes to override a veto, it must do so by the second regular meeting following the return of the ordinance.
- May appoint a new mayor or council member if a vacancy occurs in the office. [KRS 83A.040].
- May remove elected officers for misconduct, inability, or willful neglect of office. [KRS 83A.040(9)].
- May change the manner of electing city officers by adopting the nonpartisan primary election process. [KRS 83A.050(2)].
- May divide the city into wards for the purpose of electing council members. [KRS 83A.100].
- Approve the appointment of nonelected city officers. [KRS 83A.080(3)].
- May call special meetings, upon written request of a majority of the council.

### **Powers and Duties of City Administrator**

The City of Madisonville established the office of City Administrator pursuant to KRS 83A.080. As a nonelected office, the city administrator answers directly to the mayor and may be removed by the mayor at will with a written statement unless otherwise provided by ordinance. KRS 83A.080(3). Primarily, the city administrator's role is to advise and assist the mayor in managing city operations.

KRS 83A.090 sets forth the minimum duties and responsibilities of the city administrator as follows:

- Advise the mayor of the city in policy formulation on overall problems of the city. [KRS83A.090(1)(a)].
- Have major responsibility for preparation and administration of operating and capital improvement budgets under the direction of the executive authority. [KRS83A.090(1)(b)].
- Advise the executive authority concerning the appointment of subordinate administrative personnel if the appointment authority has not been delegated directly to the administrative officer by appropriate executive order. [KRS 83A.090(1)(c)].
- Maintain continuing direct relationships with operating department heads on the implementation and administration of programs. [KRS83A.090(1)(d)].
- The city administrator is required to carry out all additional duties lawfully delegated by an appropriate executive order and has the same powers as the executive authority in carrying out these duties. [KRS83A.090(2)]

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

- (1) The City of Madisonville Employee Handbook (2024 Edition) contains information about the city's employment policies and procedures and an overview of the city's benefits. For specific information about employee benefits, refer to the plan documents, which are controlling. The policies and procedures in this Handbook are guidelines only. The city reserves the right to interpret and administer the provisions of this Handbook as needed. The provisions of this Handbook will repeal and replace all previously adopted policies and procedures governing employment with the city.

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

## **Employee Handbook**

The human resources director, or their designee, will ensure that a current copy of the employee Handbook is prepared and distributed to all new and current employees. All employees are expected to read and sign the Handbook Acknowledgment (HR Form 01) within 30 days of employment or within 30 days of any amendment to the Handbook. The human resources department will maintain a copy of the Handbook Acknowledgment Form in the employee's personnel file pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.

## **Administration of the City Personnel System**

- (1) The city's policies are applied and enforced by the mayor and department superintendent employees, which include department superintendents, department assistant superintendents, supervisors, and team leads. The city expects department superintendent staff to foster a working environment where employees take the primary role in their own professional growth and development. Department superintendent employees should provide continuous feedback to their employees regarding performance and should immediately address any potential infractions of these policies with employees.
- (2) To ensure fairness and consistency in all personnel matters, the city has designated the human resource director (HR director) to be responsible for general oversight of the city's personnel system and for all centralized personnel matters.
- (3) No department superintendent employee or other employee will conduct any interview for potential employment or internship, make any offer of employment or internship, or make any modifications to the compensation or benefits of employees without notification to the HR director and the mayor and compliance with the procedures established by the city. No department superintendent employee or

other employee will alter, suspend, or fail to enforce or adhere to the policies contained in this Handbook.

## **Severability**

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



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

# At-Will Employment

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

# Equal Opportunity Employer

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

# Americans with Disabilities Act (ADA)

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

# Immigration Reform and Control Act (IRCA)

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

## Application and Advertisement of Vacant Positions

When a vacancy occurs, current city employees may be notified of the vacancy by a written notice(s) placed in strategic locations throughout city offices by the human resources department. Notices will include position title, summary of duties, position qualifications, and the time limit for applying. Employees who wish to apply for the position must present a completed Employment Application Form to the human resources department. The mayor may fill the vacancy by either promoting a current employee or employing a person from outside of the existing city government organization. When announcements of vacant position(s) are made outside of the organization, any of the following procedures may apply:

- (1) The city's open application policy allows persons interested in employment with the city to complete an Employment Application Form at any time regardless of whether a vacancy exists, indicating the position(s) applicable. A completed Employment Application Form will be considered active for a period of six months.
- (2) The city may advertise all vacant position(s) in a newspaper or other form of media. All announcements will include information such as where to apply, deadline for applications, summary of duties, and position qualifications. All written announcements of vacant position(s) will also contain the following statement, "An Equal Opportunity Employer," as well as may include, "Any applicant who needs an ADA accommodation in the employment selection process will request the accommodation from the human resources department."
- (3) All Full-Time Permanent positions are advertised both internally and externally. A position must be available if returning to employment with the city.
- (4) When the city elects to advertise the position, job postings will occur for at least seven days.
- (5) A job posting may not be advertised when a seasonal employee becomes a permanent Part-Time within the same job classification.
- (6) Initial postings will be screened/reviewed after the posting period ends by the department superintendent and the human resources department.
- (7) A vacancy may go unfilled if there are fewer than three qualified applicants, in which case a second job

posting can occur.

- (8) A second screening/review of the job posting will occur after the second posting period ends by the department superintendent(s) and the human resources department.
- (9) Other than nonelected officials, job posting documentation will be stored in a job file and retained according to the retention schedule established by the Kentucky Department for Libraries and Archives:  
<https://kdla.ky.gov/records/retentionschedules/Documents/Local%20Records%20Schedules/LocalGovernmentGeneralRecordsRetentionSchedule.pdf>.
- (10) In the event of a departmental re-organization (i.e., departments combine, departments separate, department structure change, or employee is placed in a permanent position after performing satisfactorily in interim, position may not be posted internally or externally.

## **Application for Position**

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

## **Promotions, Transfers, and Temporary Appointments**

- (1) Vacancies may be filled by transfer or promotion from within the city. An employee may be transferred or promoted from one position to another only if the employee has the qualifications for the position. The same procedures as those authorized for ascertaining qualifications for initial appointment to a position will be followed. All pertinent documentation of said transfer or promotion will be entered into the employee's personnel file.
- (2) In the case where vacancies cannot be filled from within city service or from an eligibility list, temporary appointments may be made by the mayor for a period not to exceed six months. In cases where the temporary appointment is to a nonelected office position, appointments are made by the mayor with approval by the council.
- (3) Temporary appointments will terminate as soon as a qualified candidate can fill the position in question in accordance with personnel hiring procedures.
- (4) When an employee is placed in an interim role for 6 months or more and the employee is performing satisfactorily in the interim role, the employee may be promoted to the permanent role (interim title removed).

## **Hiring and Selection**

- (1) Appointment to a position within the city will be made only after it has been determined the person being considered meets the qualifications set out in the current job description for which the appointment is made.
- (2) The policy will apply to current employees who request a transfer or promotion to a vacant position, as well as new applicants for employment or reemployment.
- (3) The qualification of an applicant for a position will be ascertained based on one or more of the following:
  - a. Information the applicant supplies on the official Employment Application Form;
  - b. Written performance, physical tests, examination, or any combination which may be required for the position;
  - c. Personal interview;
  - d. Information and evaluations supplied by references given by the applicant;
  - e. Prior to employment with the city, but only after an offer of employment with the city, the prospective employee must submit to and pass a pre-employment drug test; and
  - f. Other appropriate information as determined.
- (4) Employees that have left employment with the city may be eligible to return to employment one time without competition for a vacancy as follows:
  - a. Employee's service with the city ended no more than six months prior to the request for the return to employment;
  - b. Performance evaluations conducted by the employee's department superintendent ranks in the two highest categories for the previous two years; and
  - c. Employee complies with all other pre-employment criteria.
  - d. A position must be available if returning to employment.
- (5) All employees are appointed by the mayor except that pursuant to KRS 83A.080. All nonelected city officers will be appointed by the mayor with the approval of the council. Nonelected officers include:
  - a. City Clerk
  - b. City Administrator
  - c. Chief of Police
  - d. Fire Chief
  - e. Alcohol Beverage Control Administrator

## **Employment of Family Members**

Pursuant to the city's Ethics Ordinance:

- (1) No officer or employee of the city shall hire or appoint any member of their immediate family to any paid position with the city nor participate in any employment decision relating thereto.
- (2) Family members of any officer or employee in the positions of city administrator, deputy city

- administrator, human resources director or human resources manager shall not be hired during the term of office or employment.
- (3) No officer or employee of the city shall directly or indirectly supervise or manage the work of a family member.
  - (4) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.
  - (5) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to December 31, 1994.
  - (6) Unless otherwise prohibited as outlined, above, a family member of an employee will be eligible for employment with the city if no potential conflicts in supervision, safety, security, or morale exist.
    - a. In the event a current employee becomes the family member of another current employee, the city will attempt, if practical, to separate the employees by assignment and supervision. After such separation, any effort by a family member to affect the terms and conditions of employment of their family member will be considered improper. If the city determines that the separation would not be practical, it will review the employment records, assignments, and related matters pertaining to the employees to determine whether to exercise discretion to make an exception to this policy. Any such exception will be understood to be a temporary accommodation of current employees and not a precedent for deviating from this policy. If, in the view of the city, a conflict exists which cannot be resolved, only one of the employees will be permitted to remain an employee of the city. The decision as to which relative will be allowed to remain will be made by the mayor after consideration of the circumstances and consultation with the affected employees and their department superintendents.
    - b. The mayor will notify the Board of Ethics within a reasonable time when any conflict under this policy is reported or identified.
  - (7) As used in this policy, the term “family member” means spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. Immediate family member is defined as a spouse, domestic partner, an unemancipated child residing in the officer’s or employee’s household, or a person claimed by the officer or employee, or the officer or employee’s spouse, as a dependent for tax purposes.

## **Background and Reference Checks**

- (1) It is the policy of the city to perform pre-employment background checks pursuant to KRS Chapter 335B. The purpose of performing these checks is to determine and/or confirm, within appropriate legal and professional limits, the qualifications and suitability of a candidate for the employment position for which the candidate is being considered. Many of our employees' job duties involve working closely with other employees and/or the public, significant city-related driving, access to safety-sensitive and

expensive tools and machinery, access to confidential information, or access to financial accounts. Therefore, criminal records may exclude candidates with certain criminal convictions that are determined to be job-related, as discussed below. This policy will help ensure that employment-related decisions utilizing pre-employment background checks are made in accordance with applicable law.

- (2) The city will perform pre-employment background checks on all candidates for employment once they have been offered the employment position by using the Background Check Release (HR Form 03). Review will be limited to information regarding only convictions that are determined to be job-related and consistent with business necessity, as discussed below. In addition, if an employee changes positions within the city, an additional criminal background check may be required.
- (3) In addition to KRS Chapter 335B, the city complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal employment opportunity laws, and all other applicable legal authority that affect the performing of pre-employment background checks.
- (4) The results of a pre-employment background check are confidential and are only to be shared with employees of the city on a strict “need to know” basis.
- (5) Under no circumstances is having a criminal history or conviction an automatic exclusion to a candidate's eligibility for employment.
- (6) All candidates are required to sign appropriate authorizations and consents prior to performing any pre-employment background checks.
- (7) Background checks are conducted in accordance with all applicable federal, state, and local laws, including any state-law limitations regarding criminal history information that may be obtained and/or used by the city for employment purposes.
- (8) This policy does not override city policy that candidates providing false or misleading information on their application, during an interview, or at any time during the hiring process, may be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.
- (9) Pre-employment background checks should be completed after a conditional offer of employment to the candidate. Therefore, all job offers should be conditioned upon satisfactory completion of the pre-employment background checks.
- (10) Prior to taking any adverse action, appropriate pre-adverse and adverse action notices will be sent to the candidate together with a copy of the report pursuant to federal and any state FCRA laws.
- (11) All candidates will be individually reviewed by the mayor and appropriate department superintendent. Decisions will be made with respect to employment based on the totality of the candidate's qualifications and the relevant results of the pre-employment background check.
- (12) In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment, or employee's eligibility for continued employment, is based upon the following factors:
  - a. The nature and gravity of the offense for which the applicant or employee was convicted;
  - b. The time that has passed since the conviction and/or completion of the sentence; and
  - c. The nature of the job held or sought.
- (13) The city will only consider final adjudications of guilt (i.e., convictions and guilty pleas) for the potentially disqualifying offenses listed below, or other offenses determined to be job-related. Convictions that have been expunged, discharged, or otherwise vacated will not be considered. Various states use different terminology regarding convictions. Therefore, if it is unclear whether a certain

offense resulted in a conviction, the city attorney should be consulted.

- (14) Having a criminal history or conviction does not automatically preclude a candidate's eligibility for employment. To assist department superintendents and the mayor in reviewing criminal records, below is a list of convictions that may disqualify an applicant or employee from employment with the city:
- a. Crimes Involving Violence, Theft, or Drug Distribution/Trafficking: Certain crimes involving violence, theft, or drug distribution/trafficking have been determined to be job-related to all positions within the city. Disqualification of applicants or dismissal of employees with certain convictions outlined below is consistent with federal and state requirements.
    1. Violent Crimes: The city has determined that felony convictions within the past seven years for crimes involving violence may disqualify an applicant or employee because of workplace violence concerns, our desire to provide a safe workplace for employees and customers, and because many of the city employees have significant interaction with customers and/or coworkers on a day-to-day basis.
    2. Theft or Property-Related Crimes: The city has determined that felony convictions within the past seven years for crimes involving theft, dishonesty, breach of trust, or destruction of property may disqualify an applicant or employee due to access to equipment and tools, inventory, proprietary information, and/or financial or confidential information.
    3. Drug Distribution/Trafficking Crimes: The city has determined that felony convictions within the past seven years for crimes involving drug distribution or trafficking may disqualify an applicant or employee because these convictions also indicate a general disregard for federal, state, or local law and may demonstrate that the applicant or employee will not be able to follow directions from their department superintendent or manager.
    4. The city does not generally disqualify applicants or dismiss employees for drug possession or use convictions. This does not affect the application of its Drug- and Alcohol-Free Workplace Policy.
  - b. Computer Crimes: Due to access to city confidential and proprietary information, customer information, financial information, and/or computer systems, the city has determined that felony convictions within the past seven years for computer-related offenses are job-related for management and office positions. Applicants or employees in these job categories who have been convicted of such computer crimes present an unacceptable risk to the city and may therefore be disqualified, absent mitigating circumstances.
  - c. Driving Crimes: To reduce potential liability for the city, the city must review applicant and employee driving records for jobs in which the job duties include significant amounts of unsupervised, city-related driving. The city will comply with all federal, state, and local requirements regarding motor vehicle record checks including, but not limited to, obtaining consent from the applicant or employee prior to requesting the record and complying with federal and/or state FCRA requirements. Felony convictions within the past seven years for vehicle-related offenses, including, but not limited to DUI and DWI, have been determined to be job-related and present an unacceptable risk to the city. Therefore, applicants and employees in positions that involve business-related driving who have been convicted of such offenses may be disqualified, absent mitigating circumstances.
  - d. Individualized Assessment: Before any applicant or employee is disqualified based on their criminal history, the applicant or employee will be given an opportunity to provide individual information regarding the circumstances of that applicant's or employee's criminal history. The human resources department will request that the applicant or employee submit a written,



signed statement regarding their criminal history. The mayor and the department superintendent will consider all information provided by each applicant or employee to determine whether the information provided sufficiently mitigates the circumstances of the disqualifying conviction pursuant to KRS Chapter 335B.

- (15) Credit checks are generally not part of the background check process and are not used to make hiring decisions. In certain positions, such as treasury functions and accounts payable/receivable, a credit check may be performed due to the nature of the responsibilities for such jobs, including access to city accounts, cash, and the ability to be bonded. Each applicant's or employee's credit history will be reviewed in the context of all other available information regarding the applicant or employee to determine whether the applicant's or employee's credit history poses an unacceptable risk to the city. Such applicants or employees will be provided an opportunity to explain their credit history prior to a final determination.

## **Medical Examinations**

- (1) In reviewing applicants' qualifications for certain positions and ensuring that currently employed workers are fit and capable of performing the essential functions of their positions, the city requires individuals to undergo physical examinations, which can include drug tests.
- (2) The general purpose of these examinations is to determine whether the individuals being tested are physically able to perform the essential functions of the job in question without creating a significant threat to the safety or well-being of themselves, other employees, or members of the public. These examinations and tests are conducted on a nondiscriminatory basis and in conformance with the requirements of the Americans with Disabilities Act and other federal, state, and local laws guaranteeing fair treatment and equal employment opportunity to individuals with disabilities and members of other protected groups.
- (3) Applicants for certain positions are required to undergo a post-offer physical examination that evaluates their fitness and ability to perform the essential functions of the positions for which they are being considered. All conditional offers of employment extended to candidates who are asked to undergo a physical examination are contingent on satisfactory completion of this requirement within the scheduled period.
- (4) In certain situations, the city can require currently employed workers to undergo a physical examination that evaluates their fitness and ability to perform the essential functions of their position.
- (5) Firefighters, EMTs, paramedics, public works employees, and police officers may elect to receive a series of three hepatitis vaccine inoculations. The initial inoculation will be included in applicants' pre-employment physical if they so desire. The pre-employment consent form advises applicants of the availability of this optional screening.

## **Employee Bonding**

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

## **New Employee Orientation**

- (1) An orientation will be made available to all new employees as soon as possible after their first day of

employment.

- (2) The orientation will consist of the following elements:
  - a. Explanation of the purpose and goals of the city.
  - b. Overview of management policies and procedures.
  - c. Other elements deemed appropriate.
- (3) A copy of the employee Handbook will be made available to all employees at each workstation. A Handbook Acknowledgment (HR Form 01) of the original employee Handbook and any revisions thereof will be required of all employees subject to these policies. The signed statement will be maintained in the employee's personnel file and retained pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.
- (4) New hires may be introduced to all city department heads during their first week of orientation, as well as the mayor.
- (5) New hires will be given a benefits package if they qualify. The HR manager or designee will cover the benefits package with the employee and give them a due date as to when the package must be turned in to qualify for the benefits package. Failure to submit the package on the specified date may render the employee ineligible for some benefits.
- (6) During orientation, the new employee will read over their job description, then sign and date the acknowledgment portion at the end of the job description. The signed copy will be kept in the employee's personnel file. A copy will be provided to the new employee upon request.
- (7) The human resources manager will ensure that all required state and federal forms are filled out and placed in their personnel file prior to the employee starting any physical work. All required information will then be filed as required with the federal, state, and local governments.

## **Introductory Period for Police**

- (1) Police officers will serve an introductory period of 12 months after completion of basic training, if applicable.
- (2) While serving under the initial introductory period, officers may be dismissed at any time without right of appeal, unless otherwise provided by law.
- (3) Performance of police officers will be evaluated at each transition period or approximately every third month during the introductory period of employment by the chief.
- (4) Completion of the introductory period in no way alters the at-will status of the employee.

## **Job Descriptions**

- (1) The city considers the job description prepared and maintained for every position as one of the most important documents in ensuring effective hiring practices and providing equal employment opportunity to all qualified individuals. The following procedures are designed to ensure the accuracy, completeness, timeliness, and fairness of the job descriptions:
  - a. Annually the human resources director and the human resources manager with the assistance of the department superintendents will review the city's job descriptions to ensure that they are accurate, complete, and up-to-date.

- b. Whenever possible, the department superintendent should seek the input of the employee in reviewing the description's accuracy and completeness.
- c. The job descriptions should contain information that accurately reflects each position's essential functions, duties, responsibilities, purpose, working conditions, and reporting relationships as well as the knowledge, skills, and abilities required of employees.

# Performance Evaluations

- (1) All employees will be evaluated each year on an evaluation form approved by the mayor (HR Forms 20 and 21).
- (2) The immediate department superintendent will conduct evaluations and review the evaluation with the employee being evaluated. Any employee who disagrees with the evaluation may complete a written rebuttal within 10 working days after the review, which will be attached to the evaluation form.
- (3) The evaluation will be based on job-related factors, as set out in the job description, and will be used to inform employees of how well they are performing their assigned work and how they can improve performance. In addition, the evaluation may be used in determining the order of layoff, as a basis for training, promotion, demotion, transfer, dismissal, and for other purposes as set forth in these policies and procedures.
- (4) The performance evaluation is intended to facilitate meaningful communication between an employee and their department superintendent regarding the employee's work assignments, the department superintendent's performance expectations, individual and departmental goals, and the employee/department superintendent relationship. It is also intended to improve the employee's effectiveness and competency by identifying both strengths and possible areas for improvement. It should not be construed as creating a contract or as guaranteeing employment for any specific duration.
- (5) A copy of the evaluation will be placed in the employee's personnel file and will be maintained in accordance with the Kentucky Department of Libraries and Archives Record Retention Schedule.
- (6) For specific policies regarding evaluations for sworn police officers, refer to the Police Policy and Procedure Manual.

# Continuous Feedback on Employee Performance

- (1) Employee performance will also be evaluated by department superintendents on a continuous basis.
- (2) Department superintendents will coach employees, recognizing positive performance and providing constructive feedback for improvement. Department superintendents will also regularly discuss employee progress toward their annual goal(s).
- (3) Department superintendents will provide appropriate feedback promptly following the employee's performance. The documentation will remain in the employee's personnel file.

# Personnel Records

- (1) A personnel file will be maintained for each city employee by the human resources department. All changes in the status of employees will be recorded in these files, which will be retained and maintained in accordance with applicable state and federal laws.
- (2) The personnel file will include:
  - a. Employee's name, permanent address, and phone number;
  - b. Position title;

- c. Job description signed by employee;
  - d. Completed application form;
  - e. Hiring date;
  - f. Departmental assignment;
  - g. Salary;
  - h. All changes in status as a city employee; and
  - i. Whatever additional information these ordinances, other governing laws, or the city require.
- (3) Information regarding the medical condition or history of an employee, including drug test results will be collected and maintained on separate forms and in separate confidential medical files subject to disclosure only as permitted by law.
- (4) The Form I-9 shall also be kept in a separate file in alphabetical order.

## **Change in Personal Information**

- (1) It is the responsibility of each employee to promptly notify the human resources director of any changes in personnel data by using the Change in Personal Information (HR Form 18). Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times.
- (2) For necessary changes to be made without penalty, changes of marital status and dependents must be made within 30 days of the qualifying event.

## **Access to Personnel Files**

- (1) The human resources department maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, documentation of performance evaluations, salary increases, and other employment records.
- (2) Personnel files are the property of the city and subject to the Open Records Act. Access to an employee personnel file is strictly controlled and given only to authorized individuals who have a legitimate reason to review information in a file, or as authorized under the Open Records Act. Employees will be notified of any request to view their personnel file.
- (3) With reasonable advance notice, employees may review their own personnel file in the presence of the human resources manager or designee.

## **Job References**

- (1) All requests for job references and inquiries regarding an individual's employment with the city will be forwarded to the human resources department for appropriate response. The human resources director will consult with the mayor and may permit the employee receiving the request to respond. This section will not prohibit an employee from being listed as a reference for an individual.

- (2) The city's policy on job references is to provide the requested dates of employment and job title(s). The law may also require disclosure of incidents of workplace violence involving the employee to a potential employer.

## Record Retention

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

## Disciplinary Practices/Procedures

- (1) The city seeks to encourage employees to change problem behavior rather than focusing on punitive measures as a solution. In some instances, these efforts may fail or may be an unsuitable response to an offense. In these instances, city department superintendents may consult with the human resources department to determine appropriate disciplinary measures. Depending on the severity or frequency of the offense or problem behavior, the city may use or request any disciplinary methods at any time. The city does not require progressive disciplinary methodology, nor should the below list be taken to imply its use. Disciplinary measures outlined in subsections (c), (d), and (e) must be authorized by the mayor.
  - a. Verbal warning or reprimand/coaching or counseling by a department superintendent.
  - b. Written reprimand/counseling by a department superintendent.
  - c. Suspension with or without pay.
  - d. Demotion and/or reduction in pay.
  - e. Termination of employment.
- (2) The human resources director shall notify the city administrator to initiate use of the disciplinary procedures listed under (c), (d), or (e) in section (1) of this policy. The city administrator shall be responsible for informing and obtaining the mayor's approval after consultation with the city attorney.
- (3) When using the disciplinary procedures outlined in section (1) of this policy, the human resources director and/or the department superintendent shall:
  - a. Document any disciplinary session or conference conducted for the purposes of correcting behaviors that are in violation of the policies contained in this Handbook or are conducted with the intent to correct reoccurring issues related to employee performance on the Employee Action Form (HR Form 19); and
  - b. Provide a copy of any written documentation related to the use of disciplinary procedures to the human resources department for placement in the employee's personnel file.
- (4) For police officers, any general personnel matter will be handled as stated above; however, any external complaint filed against a police officer or any violation of law enforcement procedures, requires the city to follow the process outlined in KRS 15.520, once the officer has completed the introductory period.

## Demotion

- (1) An employee may be demoted upon recommendation of a department superintendent, city administrator, or human resources director, with the approval of the mayor.
- (2) The provisions of KRS 15.520 shall regulate demotions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures.
- (3) All pertinent documentation of said demotion shall be entered into the employee's personnel file.

## Suspension

- (1) The department superintendent, after consulting with the city administrator and human resources director may request in writing on the Employee Action Form that the mayor suspend the employee with or without pay. The request shall include the reason(s) for the suspension, along with details of previous disciplinary action regarding the employee.
- (2) The mayor may suspend an employee with or without pay for any period up to and including four calendar weeks, depending upon the severity of the offense; however, a maximum time limit shall not apply when an employee is suspended with or without pay due to an investigation of an alleged offense.
- (3) The suspended employee shall be notified of the suspension in writing. The notice shall include the reason(s) for and duration of the suspension (if known).
- (4) Employees suspended without pay for a period of one calendar month or more shall forfeit fringe benefits, including accrual of sick and vacation leave, and the city's contribution to any insurance benefits during the suspension.
- (5) If after an investigation, the mayor finds that the suspension was not warranted, the employee shall be reinstated to their position with back pay and benefits.
- (6) The provisions of KRS 15.520 shall regulate suspensions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures.
- (7) All pertinent documentation of said suspension shall be entered into the employee's personnel file.

## Voluntary and Involuntary Termination of Employment

- (1) The mayor has the authority to appoint and remove all city employees, except as otherwise provided by statute, ordinance, or contract. Statutes that provide otherwise regarding the termination of employment include:
  - a. For police officers, KRS 15.520 applies to police officers that have completed the introductory period, and only in regard to any external citizen complaint or a violation of law enforcement procedures, requires a hearing conducted by the city in the manner prescribed by KRS 15.520.

- b. For nonelected officers, KRS 83A.080 requires a written reason to be provided to the nonelected officer upon termination.
- (2) Employees also have the right to terminate their employment at any time and for any reason. The city asks that you provide a written notice at least two weeks prior to your intent to leave in order to assist the city in the smooth transition of your job duties.
- (3) In the event your employment is terminated for any reason, you must return all property of the city to include uniforms, keys, credit cards, mobile phones, computer software and hardware, proprietary and confidential materials, reports, and any other city property that may be in your possession. This property must be returned prior to the last day of your employment.
- (4) All pertinent documentation of said termination shall be entered into the employee's personnel file.

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

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

## **Exit Interview**

Employees may be asked to complete an exit interview with the mayor or their designee upon termination of employment. This will enable the city to obtain information regarding why the employee resigned. This will also allow the city an opportunity to cover information for the employee on insurance, retirement, any other benefits, and return of city property, in addition to obtaining a forwarding address (if necessary), and any other required information.



## **Section 3 – General Employment Policies and Rules**

# Open Door Policy– Complaint Procedure

- (1) At the City of Madisonville, we encourage all employees/volunteers to meet with their immediate department superintendent to discuss any employment issues or concerns that they may have. If the complaint is against a department superintendent, or if the employee/volunteer feels more comfortable, they may discuss the issue with another department superintendent, human resources department, or the mayor.
- (2) The city is committed to maintaining this Open-Door Policy, where honest discussion of employee/volunteer concerns can take place in a safe and supportive environment. A confidential, but not anonymous, number is available for any employee to discuss any concerns or issues privately at (270) 824-2153.
- (3) Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that you believe is detrimental to you or to the city, you should bring your concern to the attention of a department superintendent, human resources department, or the mayor.

## Sexual and Nonsexual Harassment

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

- e. Repeated sexual jokes, flirtations, advances, or propositions.
  - f. Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
  - g. Leering, whistling, touching, pinching, assaulting, coercing sexual acts or suggestive behavior, insulting or obscene comments or gestures.
  - h. The display in the workplace of sexually suggestive objects, pictures, or reading material.
- (3) Any conduct that is intimidating or hostile and interferes with an employee's work performance is prohibited and will not be tolerated. This includes harassment because of an individual's race, religion, color, national origin, sex, sexual orientation, gender identity or expression, pregnancy, childbirth, pregnancy/childbirth-related medical conditions, genetic makeup, age, disability, veteran status, family status, or because the employee is a smoker or nonsmoker.
- (4) Any employee who believes they have been subjected to sexual or nonsexual harassment should report the incident promptly. Affected employees should report harassment to whoever they feel most comfortable from the following designated personnel: their immediate department superintendent, other department superintendent, city clerk, human resources director, deputy city administrator, city administrator, or the mayor. Employees are encouraged to make prompt reports of the incident to ensure timely response and for remedial measures to be implemented, if necessary. However, all reports of sexual and nonsexual harassment shall be reviewed and investigated regardless of when the alleged misconduct occurred.
- a. All reports of sexual or nonsexual harassment shall be reduced to writing by the reporting employee or by the person receiving the report. The report shall be written on an Employee Statement (HR Form 15). The report shall be signed by the employee or the person receiving the report. All reports will be kept confidential to the extent feasible and appropriate under the circumstances. The human resources director shall inform the mayor of the receipt of the complaint.
  - b. All reports of sexual and nonsexual harassment will be investigated promptly following the receipt of an incident report. The report will be investigated by the human resources director and/or one or more members of the management staff designated by the mayor and the city attorney. The results of the investigation will be communicated to the complainant and to the alleged offender. Any employee found to have engaged in misconduct constituting sexual or nonsexual harassment will be disciplined, up to and including dismissal. In addition, the city may take other steps to correct and prevent future incidents from occurring.
  - c. If the investigation results in a finding that any form of harassment has occurred in the city workplace, the mayor or the mayor's designee will create a written report and/or an update of the action taken by the mayor as a result of the finding. If the investigation results in a finding that harassment did not occur, the mayor shall create a written report of the decision.
  - d. As provided under the Whistleblower Protection for City Employees Policy in Section 4 of this Handbook, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. If an employee suffers any discrimination or retaliation for making a report, the employee should immediately alert a member of management. Any person found to have discriminated or retaliated against an employee who makes a report shall be subject to disciplinary action, up to and including dismissal.
- (5) The city recognizes that the question of whether a particular course of conduct constitutes sexual or nonsexual harassment requires a factual determination. The city also recognizes that false accusations

of sexual or nonsexual harassment can have serious effects on innocent parties. If an investigation results in a finding that a person who has accused another of sexual or nonsexual harassment has maliciously or recklessly made a false accusation, the accuser will be subject to appropriate sanctions, including discharge.

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

## Workplace Violence

- (1) The safety and security of all employees is of primary importance to the city. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals by anyone on city property or off city property while performing job duties related to the city will not be tolerated. Actions of this nature will lead to referral to appropriate law enforcement agencies for arrest and prosecution. City employees who exhibit this type of behavior will be disciplined or discharged. The city may take any necessary legal action to protect its employees and will make every effort to assist any employee experiencing threats of violence.
- (2) Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises shall be removed from the premises as quickly as safety permits and shall remain off city premises pending the outcome of an investigation. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts while in performance of their employment duties shall be immediately suspended, pending the outcome of an investigation of the incident. Following the investigation, the city will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension, or termination of employment, and/or criminal prosecution of the person or persons involved.
- (3) All employees are responsible for notifying city management personnel of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard as potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on a city-controlled site, or is connected to city employment or city business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
- (4) Employees are encouraged to notify either their department superintendent or the human resources department if an emergency protection order (EPO) or domestic violence order (DVO) has been issued for their protection.
- (5) The city will make every effort to assist an employee experiencing threats of violence. Assistance may include:
  - a. Confidential means for coming forward for help.
  - b. Resource and referral information (e.g., Employee Assistance Program).
  - c. Leave of absence consideration.
  - d. Special safety considerations at the workplace.

- (6) The city understands the sensitivity of the information requested and will respect the privacy of the reporting employee to the extent allowed by law. The city will endeavor to maintain the anonymity of a reporting party to the extent feasible for cooperation with appropriate law enforcement officials.
- (7) Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment.
- (8) Except as otherwise provided by KRS 527.020, KRS 237.110, KRS 237.115 and other applicable law, the city prohibits the carrying of concealed deadly weapons by any employee, licensed or not, in any portion of a building owned, leased, or controlled by the city.
- (9) Nothing in this section shall preclude a sworn police officer and other law enforcement officers authorized to carry concealed weapons pursuant to KRS 527.020 from carrying a concealed deadly weapon on city property. For all other employees:
  - a. The City of Madisonville has adopted the limited prohibition of carrying concealed deadly weapons in city buildings as outlined in paragraphs (8) and (9), above. Any other form of carrying a deadly weapon is not prohibited.
  - b. An employee carrying a deadly weapon in compliance with the City of Madisonville Employee Handbook while performing work for or while on duty for the City of Madisonville does so as a voluntary act and not at the direction or request of the city. Other than sworn law enforcement officers, no job descriptions or job duties in the City of Madisonville requires an employee to possess a deadly weapon.
  - c. An employee that chooses to carry a deadly weapon in compliance with the City of Madisonville Employee Handbook has the responsibility to know the law as to where they can or cannot legally carry their deadly weapon. Some locations, including schools, prohibit the carrying of deadly weapons by persons other than sworn law enforcement. Failure to abide by lawful restrictions in those locations, even while performing work for or while on duty for the City of Madisonville, may result in personal liability, criminally and/or civilly.
  - d. An employee that uses a deadly weapon may incur personal liability and the City of Madisonville may or may not indemnify the employee for such use.
- (10) Deadly weapon shall be defined as:
  - a. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged.
  - b. Any knife, except an ordinary pocketknife or other knife routinely used in the performance of city duties.
  - c. Billy, nightstick, or club.
  - d. Blackjack or slapjack.
  - e. Nunchaku karate sticks.
  - f. Shuriken or death star.
  - g. Artificial knuckles made from metal, plastic, or other hard material.

# Workplace Safety

- (1) The city's first priority is to maintain a safe working environment for its employees and the public. For the employee's protection, job-related injuries, accidents, or illnesses must be immediately reported in accordance with the city's safety and accident policy.
- (2) Each department will consider the need for adopting safety practices, policy, or procedures warranted by the hazards department employee's encounter. Department superintendents are encouraged to involve employees in this process.
- (3) A copy of such practices, policies, or procedures will be delivered and explained in detail. Each department employee shall then sign a receipt, which will be placed in the individual employee's training file, stating that they have read and understand these rules. Department superintendents shall also explain to their employees that a violation of these safety rules could lead to disciplinary action up to and including termination of employment.
- (4) Every employee must be safety-conscious and responsible for helping the city achieve the goal of providing a safe workplace.
- (5) Employees shall report any unsafe or hazardous condition to their department superintendent, safety representative or City Safety and Risk Manager.
- (6) Department superintendents shall immediately report any unsafe or hazardous condition that has been reported to them or that the department superintendent is aware of to the safety department, city administrator, or the mayor.
- (7) Any employee or department superintendent who does not report unsafe or hazardous conditions is subject to disciplinary action.
- (8) Employees are expected to use common sense and good judgment in their work habits and to follow safe work practices. Department superintendents shall ensure that safe work practices are utilized. Examples of safe work practices are as follows:
  - a. Using the proper safety equipment when performing a work assignment.
  - b. Not operating equipment or machinery while using prescribed medication without a doctor's written approval.
  - c. When working extended hours (see Hours of Operation Policy within Section 3 of this Handbook).
  - d. Under no circumstances should an employee operate any type of machinery or equipment while under the influence of drugs or alcohol.
  - e. Operating only equipment or machinery for which training or orientation has been received.
  - f. Warning coworkers of unsafe conditions or practices.
  - g. Not operating any equipment while using mobile phone.
  - h. Following all safety and operating rules posted on equipment and machinery.
  - i. Refraining from horseplay at all times.
  - j. Wearing safety belts when operating city-owned vehicles or private vehicles when on city business.

- k. Following OSHA rules and guidelines. All employees are responsible for maintaining current knowledge of periodic rule/regulation changes made by the issuing state and federal safety agencies.
- (9) Periodic training will be arranged when appropriate in the judgment of the department superintendent and in collaboration with the safety department. Employees will be required to participate in all required safety training programs offered by the city.

## Reporting Work-Related Accidents

- (1) Employees are required to immediately report any work-related accidents, illnesses, or injuries. The proper reporting of such matters is critical to ensure that an employee receives all benefits to which they are entitled under the Kentucky Workers' Compensation Act.
- (2) For the employee's protection, job-related injuries, accidents, or illnesses must be reported the day that they occur, unless extenuating circumstances prevents the employee from reporting within that time frame.
- (3) The employee must call the Company Nurse Injury Hotline at **855-339-1889**.
- (4) The employee or department superintendent must contact the City Safety and Risk Manager or HR Director, at the time of incident, except where it would delay treatment of a critical injury.
- (5) Accidents involving city-owned vehicles or personal vehicles being operated for city business shall be reported to the police department for investigation.
- (6) The city places great importance in this policy. All employees are obliged to comply. Any employee that is discovered to have been aware of a serious accident and failed to report it will face appropriate disciplinary consequences.

## Drug and Alcohol-Free Workplace

- (1) The city's mission is to ensure that all public service is delivered safely, efficiently, and effectively by establishing a drug- and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol to promote the health and safety of employees and the general public. In keeping with this mission, the city declares that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- (2) All employees are expected to read and sign the Drug- and Alcohol-Free Workplace Acknowledgment (HR Form 05) within 30 days of employment or within 30 days of any amendment to the policy.
- (3) This policy is intended to comply with all applicable federal and state regulations governing workplace anti-drug and alcohol programs. The U.S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. Under Kentucky law, the city has also chosen to follow the requirements of 803 KAR 25:280 to become a Certified Drug-Free Workplace.
- (4) The city and all CDL employees are federally mandated to comply with the registration and reporting requirements of the FMCSA Clearinghouse under 49 CFR Part 382. This includes the city's obligation

to perform pre-employment queries for all CDL applicants, perform annual queries for all CDL employees, and report certain violations or activity as required under 49 CFR Part 382.

- a. CDL employees shall register with the FMCSA Clearinghouse website and shall provide the necessary consent for the city to perform clearinghouse queries, including electronic authorization for all full queries. If an employee fails to provide consent as required under this section, then the employee is unable to perform safety-sensitive functions under federal law, and the employee will be removed from duty. The refusal to provide consent shall also be considered a violation under this policy and the employee may be subject to disciplinary action, including termination.
  - b. Pursuant to 49 C.F.R. 382.705, the following shall be reported to the Clearinghouse, with any required documentation as outlined in the regulation, by the close of the third business day following the date on which the information was obtained:
    1. An alcohol confirmation test result with an alcohol concentration of 0.04 or greater.
    2. A negative return-to-duty test result.
    3. A refusal to take an alcohol test pursuant to 49 CFR 40.261.
    4. A refusal to take a drug test as determined in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8), or (d)(1) as well as (6)(cc) *test refusal* (1)-(7) of this policy. Note: Admissions to the collector of adulterating or substituting the specimen are also reportable.
    5. A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with 49 C.F.R. 40.307 through 40.311; and
    6. the city's report of actual knowledge, as defined under 49 CFR 382.107 and in paragraph (6) of this section, of the following:
      - (a) On-duty alcohol use pursuant to 49 C.F.R 382.205.
      - (b) Pre-duty alcohol use pursuant to 49 C.F.R. 382.207.
      - (c) Alcohol use following an accident pursuant to 49 C.F.R. 382.209.
      - (d) Controlled substance use pursuant to 49 C.F.R. 382.213.
- (5) This policy is intended to apply whenever anyone is representing or conducting business for the city. Accordingly, this policy applies during all working hours, while on call or paid standby, and while performing work on behalf of the city while on or off city property. The policy applies to all city employees with special provisions designated to those employees identified as having responsibilities requiring a heightened safety-awareness level (HSAL). Those "safety-sensitive" positions identified as requiring a heightened safety-awareness level include but may not be limited to:
- a. Police officers
  - b. Emergency dispatchers and dispatch department superintendents
  - c. Firefighters
  - d. Paramedics/Emergency Medical Technicians (EMTs)
  - e. Heavy equipment operators
  - f. Lifeguards



- g. Employees driving CDL-regulated vehicles
  - h. Mechanics who work on these regulated vehicles
  - i. Solid waste/sanitation drivers
  - j. Wastewater and sewage treatment plant operators
  - k. Employees who insert chemicals into city water, as well as those that test water
  - l. Employees who supervise children and child-related activities
- (6) Definitions of terms used throughout this policy:
- a. *Accident* means an occurrence associated with the operation of a vehicle or equipment, if as a result:
    - 1. A person dies.
    - 2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident.
    - 3. An employee receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
      - (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
      - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
    - 4. There is property damage to the company or a 3<sup>rd</sup> party.
    - 5. The employer could reasonably believe that employee drug or alcohol use could have contributed to an incident. *Adulterated specimen* is a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
      - a. *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation, or medication.
      - (a) *Alcohol concentration* is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device or in blood alcohol content (BAC) when required for post-accident testing.
      - (b) *Canceled test* is a drug test that has been declared invalid by a medical review officer. A canceled test is neither positive nor negative.
      - (c) *Consortium* means an entity which may involve varied pools of employers and their employees, established to provide cost-effective services to employees to help the employers comply with the drug-free workplace program requirements.
      - (d) *Designated Employer Representative (DER)* is an employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 382. Additionally, the DER and/or their designee ensures compliance

with the DOT Clearinghouse requirements for employees with CDLs. For purposes of this policy, the human resources manager is the DER and the HR Director is the backup. *Department of Transportation (DOT)* is the department of the federal government which includes the U.S. Coast Guard (USCG), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), Federal Highway Administration (FHA), Federal Motor Carrier Safety Administration (FMCSA), Research and Special Programs, and the Office of the Secretary of Transportation.

- (e) *Dilute specimen* is a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- (f) *Disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated. This does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative. *Employee* is defined in KRS 342.640 as every person in the service of the city, under any contract of hire, express or implied, and every official or officer of those entities, whether elected or appointed, while performing their official duties; every person who is a member of a volunteer ambulance service, fire, or police department; and every person who is a regularly enrolled volunteer member or trainee of an emergency management agency as established under KRS Chapters 39A to 39E.
- (g) *Employee Assistance Program (EAP)* means an established program providing:
  - i. *Professional assessment of employee personal concerns.*
  - ii. *Confidential and timely services to identify employee alcohol or drug abuse.*
  - iii. *Referral of employees for appropriate diagnosis, treatment, and assistance with regard to employee alcohol or substance abuse.*
  - iv. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.
- (h) *Evidentiary Breath-Testing Device (EBT)* is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol coincident testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA-conforming products list.
- (i) *Federally regulated employees (FRE)* are those designated in DOT regulations as safety-sensitive employees and include those regulated by the FAA (Aviation), FMCSA (Commercial Motor Carriers), PHMSA (gas pipeline) and FTA (Transit). These employees include anyone with a commercial driver's license (CDL) or mechanics who work on CDL vehicles.
- (j) *Heightened Safety-Awareness Level (HSAL) (safety-sensitive) positions* are those positions involving special, dangerous, and skilled activities and those that would involve

exceptional duty to community citizens in the area of public safety.

- (k) *Medical Review Officer (MRO)* means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with their medical history, and any other relevant biomedical information.
- (l) *Negative dilute* is a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.
- (m) *Negative test result* for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.
- (n) *Non-negative test result* is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.
- (o) *Performing a safety-sensitive function* means an employee is considered to be performing a safety-sensitive function and includes any period in which they are actually performing, ready to perform, or immediately available to perform such functions.
- (p) *Positive test result* for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. In addition, the claimed use of CBD product shall not be considered a medical excuse for a positive marijuana test. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.
- (q) *Prohibited drug* means cannabinoids/THC, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended. In addition, the city tests for benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, synthetic narcotics, illicit substances, and volatile substances as defined by KRS 217.900, KRS 218A.010, 803 KAR 25:280 and 902 KAR 55, as amended.
- (r) *Rehabilitation program* means a service provider that provides confidential
- (s)
- (t) *Rehabilitation program* means a service confidential, timely and expert identification, assessment, treatment, and resolution of employee drug or alcohol abuse and can include inpatient or outpatient programs, as well as the EAP.
- (s) *Safety-sensitive functions* include:
  1. The operation of a vehicle by an employee when the operation of such a vehicle requires the driver to hold a commercial driver's license (CDL).
  2. Maintaining a CDL vehicle or equipment used in repair of CDL vehicles.

Essential functions of employees that are considered to have heightened safety-awareness level (HSAL) positions.

- (t) *Substance* means drugs or alcohol.
- (u) *Substance Abuse Professional (SAP)* means a licensed physician (medical doctor or doctor of osteopathy), or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.
- (v) *Substituted specimen* means a specimen with creatinine and specific gravity value that is so diminished that it is not consistent with normal human urine.
- (w) *Test refusal* is when an employee does any of the following:
1. Fails to appear for any drug or alcohol test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with any applicable DOT agency regulations, after being directed to do so by the employer.
  2. Leaves the scene of an accident without just cause prior to submitting to a test.
  3. Consumes alcohol within eight hours following involvement in an accident without first having submitted to post-accident drug/alcohol tests.
  4. Fails to remain at the testing site prior to the commencement of the test and until the testing process is complete provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
  5. Fails to provide a urine, saliva/breath, or blood specimen for any drug or alcohol test, required by regulations or this policy.
  6. Tampers, adulterates, or substitutes a specimen.
  7. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's specimen.
  8. For an observed collection under DOT regulations, fails to follow the observer's instructions to raise the employee's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.
  9. Fails to provide enough urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
  10. Fails or declines to take an additional drug or alcohol test the employer or collector has directed the employee to take.
  11. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a

contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test.

12. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, and/or fails to wash hands after being directed to do so by the collector).
13. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
14. Fails or refuses to sign the certification of the alcohol testing form.
15. Provides false information in connection with a drug or alcohol test.

(aa) *Verified negative test* means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

(bb) *Verified positive test* means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

(cc) *Validity testing* is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

(7) Education and training required for this policy.

- a. Every employee will receive a copy of this policy and will have ready access to the corresponding federal and state regulations including 803 KAR Parts 25 and 49 CFR Parts 40 and 382, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- b. Thereafter, all employees shall receive at least 30 minutes of refresher training, which shall include the dangers of alcohol and drug abuse in the workplace; the employer's policy of maintaining a drug-free workplace; the effects of alcohol and drug use on an individual's health, work and personal life; the disease of alcohol or drug addiction; signs and symptoms of an alcohol or drug problem; alcohol and drug testing; the role of coworkers and department superintendents in addressing alcohol or drug abuse; available drug counseling, rehabilitation, and employee assistance programs; referrals to an Employee Assistance Program; and penalties for violation of the Drug- and Alcohol- Free Workplace Policy.
- c. All department superintendents shall receive, in addition to the training specified in paragraph (b) of this subsection, at least 30 minutes each year of alcohol and drug abuse education and awareness training which shall include, at a minimum, information on: recognizing the signs of employee alcohol or drug abuse; how to document signs of employee alcohol or drug abuse;

how to refer employees to an Employee Assistance Program or other alcohol or drug abuse treatment programs; legal and practical aspects of reasonable suspicion testing for the presence of drugs and alcohol; and other issues regarding drug abuse that the trainer or the city deem necessary to include.

- d. The employer shall annually verify that the frequency and duration of each employee and department superintendent training session meets the requirements of this section and that all employees have participated in the required alcohol and drug abuse education and awareness training program.

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

- a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988: any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR Parts 1300.11 through 1300.15, and as defined by 803 KAR 25:280 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs, such as oxycodone, oxymorphone, hydrocodone, and hydromorphone.
- b. Federal drug testing regulations (49 CFR Part 40) require that all covered employees be tested for marijuana metabolites/THC (this includes any CBD product containing THC at or above the required threshold), cocaine, amphetamines, opiates, and phencyclidine. Illegal use of these five drugs is prohibited at all times, and thus, covered employees may be tested for these drugs anytime that they are on duty.
- c. The Kentucky Certified Drug-Free Workplace testing regulations (803 KAR 25:280) require that all covered employees be tested for amphetamines, cannabinoids (THC, which includes any CBD product containing THC at or above the required threshold), cocaine, opiates, phencyclidine (PCP), benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, and synthetic narcotics.
- d. The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, any HSAL employee taking any legal substance which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected must report this information to a department superintendent, and the employee is required to provide a written release from their doctor or pharmacist indicating that the employee can perform their safety-sensitive functions.
- e. The use of beverages containing alcohol (including any mouthwash, medication, food, or candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

(9) Types of prohibited conduct include:

- a. All employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40 or any other state or federal law, as amended.
- b. No employee shall consume alcohol while at work or while on call. If an on-call employee has

consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The employee will subsequently be relieved of their on-call responsibilities and be subject to discipline.

- c. The city shall not permit any employee to perform any work-related activity, especially safety-sensitive functions, if it has actual knowledge that the employee is using alcohol.
  - d. No employee shall report to work or remain on duty while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
  - e. No employee shall consume alcohol for eight hours following involvement in an accident or until they submit to the post-accident drug/alcohol test, whichever occurs first.
  - f. No employee shall consume alcohol within four hours prior to the performance of any job functions.
  - g. The city, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
  - h. Consistent with the Drug-Free Workplace Act of 1988 and Kentucky Certified Drug-Free Workplace regulations, all employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace, while in uniform or while on city business.
- (10) Consistent with the Drug-Free Workplace Act of 1998, all employees are required to notify the city management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in termination.
- (11) Testing requirements for this policy include:
- a. Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40, 803 KAR 25:280 and any other statutes as amended. All employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in sections, (13), (14), (15), and (16) of this policy. All employees who have tested positive for drugs or alcohol on a random, reasonable suspicion, or post-accident test will be tested prior to returning to duty after completion of the substance abuse professional's recommended treatment program and subsequent release to duty as set out in sections (17) and (18). Follow-up testing will also be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the SAP.
  - b. All employees shall be subject to blood draw for drug and alcohol testing for post-accident as a condition of ongoing employment with the city. Any employee who refuses to comply with a request for testing shall be removed from duty and subject to consequences and discipline as defined in section (19) of this policy. Any employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above-listed actions will be considered a test refusal and will result in the employee's removal from duty and being disciplined as defined in section (19) of this policy. Refer to section (6) (bb) for behavior that constitutes a refusal to test.
- (12) Testing for drugs and alcohol shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA). All testing will be conducted consistent with the procedures set forth in 49

CFR Part 40, as well as 803 KAR 25:280, and any other statutes as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

(13) Pre-employment testing shall be done as follows:

- a. All applicants shall undergo urine drug testing and breath alcohol testing within 48 hours after a conditional offer of employment is made.
  1. An applicant shall not be hired into a position unless the applicant takes a drug test with verified negative results, and an alcohol test with a BAC below .02.
  2. An employee shall not be placed, transferred, or promoted into a position until the employee takes a drug test with verified negative results and an alcohol test with a BAC below .02.
  3. If an applicant fails a pre-employment drug or alcohol test, tampers with, or attempts to tamper with a urine specimen in any manner, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug and/or alcohol test will disqualify an applicant for employment for a period of at least one year. Evidence of the absence of drug dependency from an SAP that meets with 49 CFR Part 40 as amended and a negative pre-employment drug test and an alcohol test with a BAC below 0.02 will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
  4. When an employee being placed, transferred, or promoted submits a drug test with a verified positive result, or an alcohol test with a BAC above 0.02, the employee shall be subject to disciplinary action in accordance with section (19) herein.
  5. If a pre-employment/pre-transfer test is canceled, the city will require the applicant to take and pass another pre-employment drug test.
  6. Applicants for DOT positions are required to report previous DOT covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.

(14) Reasonable suspicion testing shall be conducted as follows:

- a. All employees and volunteers will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one department superintendent who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion drug test can be performed any time the employee or volunteer is on duty.
- b. The designated employer representative (DER) or their designee shall be notified of any indication of reasonable suspicion. Both the observing department superintendent and the DER or their representative (if available) will review the policies and procedures herein, and if necessary, make arrangements with a testing facility of the city's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If the DER or their representative is not available, the observing department superintendent shall obtain the assistance of another city department superintendent or other credible and reliable source. They shall complete the Reasonable Suspicion Observation Form and forward it to the DER. If after



completing the form it is determined that there is, in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing department superintendent or their designee will notify the employee and accompany them to the testing site. Department superintendents should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The Reasonable Suspicion Observation Form shall be attached to the forms reporting the test results.

- c. When a reasonable suspicion test is ordered, the employee must immediately submit to testing. The observing department superintendent and/or designee shall remain at the testing site with the employee being tested until testing is completed. Any employee who is tested for reasonable suspicion shall be placed on administrative leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the DER may order a reasonable suspicion test.
  - d. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish their shift and shall immediately be placed on administrative leave pending disciplinary action as specified in sections (19) of this policy.
- (15) Post-accident testing will be conducted as follows:
- a. Employees shall subject to drug and alcohol testing when needed to evaluate the root cause of a workplace accident that harmed or could have harmed employees, or where the employee's performance likely contributed to the accident, and the employer has reasonable suspicion to believe that drugs or alcohol may have contributed, or as required under state or federal law. Testing is not limited to only the injured employee(s).
  - b. Circumstances that constitute probable belief that an employee's performance likely contributed to the accident will be presumed to arise in any instance involving a work-related accident or injury involving:
    - 1. A human fatality.
    - 2. Bodily injury with immediate medical treatment away from the scene where a citation is issued to the driver, or the driver is found responsible for the accident.
    - 3. Any disabling damage to a vehicle where a citation is issued to the driver, or the driver is found responsible for the accident. Disabling damage is defined as damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner after simple repairs. Disabling damage also includes damage to vehicles that could have been operated but would have been further damaged if so operated.
    - 4. Safety-sensitive employee or position, as defined in paragraphs (5) and (6)(x) of this policy, who is involved in safety-sensitive activities as defined in paragraph (6)(t) of this policy, during the occurrence of the accident, and who cannot be discounted as a contributing factor to the accident.
    - 5. Any city employee when there is a need to evaluate the root cause of a workplace accident that could have harmed employees and there is reasonable suspicion to believe that the use of drugs or alcohol by the employee could have contributed to the accident. (See Reasonable Suspicion Observation Form.)
  - c. Due to varying types of accident causes, not all accidents will require post-accident testing. Exceptions for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents or injuries:

1. Injuries whose onset is cumulative or gradual such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
  2. Injuries where the employee can be completely discounted as the contributing factor (e.g., injuries caused by a third party or some other uncontrollable force or event, such as weather, insects, etc.).
  3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury or accident, (i.e., was performing training as instructed).
- d. Post-accident investigations must take place within two hours following the accident.
  - e. As soon as practicable following an accident, the department superintendent investigating will notify the employee operating the vehicle or equipment and all other employees whose performance could have contributed to the accident of the need for a drug and alcohol test. All employees whose conduct could have contributed to the accident will be subject to testing, not only the employee who reported an injury. The designated employee representative (DER) along with the department superintendent will make the determination using the best information available at the time of the decision. (See Post-Accident Documentation Summary and Checklist.) *Under no circumstances will the employee be allowed to drive themselves to the testing facility.*
  - f. The observing department superintendent and/or designee shall remain at the testing site with the employee being tested until registered.
  - g. The appropriate department superintendent shall ensure that an employee required to be tested under this section is tested as soon as practicable, but no longer than eight hours following the accident for alcohol, and within 32 hours for drugs.
    1. If a blood alcohol test is not performed within two hours of the accident, the department superintendent will document the reason(s) for the delay.
    2. If the alcohol test is not conducted within eight hours, attempts to conduct the alcohol test must cease and the reasons for the failure to test documented.
    3. If the drug test is not conducted within 32 hours, attempts to conduct the drug test must cease and the reasons for the failure to test documented.
  - h. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident, or until they undergo a post-accident drug and/or alcohol test.
  - i. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a department superintendent of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
  - j. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
  - k. In the rare event that the city is unable to perform a drug and alcohol test (e.g., employee is unconscious, employee is detained by law enforcement agency), the city may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the

test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

- l. The city reserves the right to test all employees whose conduct may have contributed to the accident.
  - m. An employee involved in an accident while on an out-of-town assignment shall notify their department superintendent as soon as possible but no later than two hours after the accident occurred. The department superintendent shall notify the DER to discuss possible drug/alcohol testing requirements.
  - n. Employee shall not return to driving until a negative result is received and employee is released to drive by HR and Superintendent.
- (16) Random testing will be conducted as follows:
- a. All employees in HSAL, FRE, and DOT positions will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
  - b. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
  - c. Employees in HSAL positions, other than those classified as FRE, will have random alcohol testing done at a rate of at least 10% annually and drug testing at a rate of at least 20% annually.
  - d. The number of FRE employees randomly selected for drug/alcohol testing during the calendar year shall not be less than the percentage rates established by federal regulations for those safety-sensitive employees subject to random testing by federal regulations. As of 2019, the annual percentage for alcohol testing was 10% and the annual percentage for drug testing was 25%.
  - e. All employees in FRE positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated HSAL positions.
  - f. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection regardless of whether the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
  - g. Random tests can be conducted at any time during an employee's shift.
  - h. Employees are required to proceed immediately to the collection site upon notification of their random selection. The observing department superintendent and/or designee shall remain at the testing site with the employee being tested until registered.
- (17) Return-to-duty testing will be done as follows:
- a. Employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 BAC), or both and be evaluated and released by the substance abuse professional (SAP) or Employee Assistance Program (EAP) before returning to work.
  - b. For an initial positive drug test, a return-to-duty drug test is required, and an alcohol test is allowed. For an initial positive alcohol test, a return-to-duty alcohol test is required, and a drug test is allowed.

- c. Following the initial assessment, the SAP/EAP will recommend a course of rehabilitation unique to the individual. The SAP/EAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug- and alcohol-free and there are no undue concerns for public safety.
- (18) Employees will be required to undergo frequent, unannounced drug and alcohol follow-up testing upon return to duty. The follow-up testing will be performed for a period of one to five years after the successful completion of treatment, with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the involved SAP/EAP reflecting their assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion, and return-to-duty testing.
- (19) Consequences of a positive alcohol or drug test include:
- a. As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the DER will contact the employee's department superintendent to have the employee removed from the workplace.
  - b. The employee shall be referred to an SAP/EAP for an assessment. The SAP/EAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
  - c. A positive drug and/or alcohol test will also result in disciplinary action as specified herein.
  - d. For employees with a CDL, positive test results and other violations will be reported to the DOT Clearinghouse in accordance with 49 C.F.R parts 40 and 382.
  - e. For the first instance of a verified positive test from a sample submitted as the result of a random, reasonable suspicion, return-to-duty, post-accident, or follow-up drug/alcohol test ( $=0.04$  BAC), disciplinary action against the employee shall include:
    - 1. Mandatory referral to an SAP/EAP for assessment, formulation of a treatment plan, and execution of a return-to-work agreement. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from employment.
    - 2. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP/EAP the employee is cooperating with the SAP/EAP-recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in section (18) of this policy.
    - 3. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
    - 4. A periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from employment.
  - f. The second instance of a verified positive drug or alcohol ( $0.04$  BAC) test result including a sample submitted under the random, reasonable suspicion, return-to-duty, post-accident, or follow-up drug/alcohol test provisions herein shall result in termination from employment.
  - g. A confirmed alcohol test result of  $0.02$  to  $0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of the workday, whichever is longer. The employee will not be allowed to return to duty for their next shift until they submit to an alcohol test with a result of less than  $0.02$  BAC. If the employee has an alcohol test result of

0.02 to 0.039 two or more times within a six-month period, the employee will be removed from duty and referred to the SAP/EAP for assessment and treatment consistent with this policy.

- h. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP/EAP-prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP/EAP has determined that the employee has successfully completed the required treatment program and releases them to return to duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act (FMLA).
  - i. In the instance of a self-referral or a management referral, the action plan for the employee shall include:
    - 1. Mandatory referral to an SAP/EAP for assessment, formulation of a treatment plan, and execution of a return-to-work agreement. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from employment.
    - 2. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP/EAP the employee is cooperating with their SAP/EAP-recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in section (17) of this policy.
    - 3. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
    - 4. A self-referral or management referral to the SAP/EAP that was not precipitated by a positive test result does not constitute a violation of federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in section (19) of this policy.
    - 5. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in section (19) of this policy.
    - 6. A voluntary referral does not shield an employee from disciplinary action or guarantee employment with the city.
    - 7. A voluntary referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- (20) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a department superintendent in their chain of command, the employee shall be referred to the SAP for an assessment. The city shall place the employee on administrative leave in accordance with the provisions set forth under section (19) of this policy. Testing in this circumstance would be performed under the direct authority of the DER. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under federal authority. However, self-referral does not exempt the employee from testing under federal authority as specified in sections (14) through (16) or the associated consequences as specified in section (19) of this policy.
- (21) Employee assistance program (EAP) information.
- a. Alcoholism and controlled substance addiction are recognized as diseases responsive to proper

treatment. The city's Employee Assistance Program (EAP) contains a level of care available for substance abuse treatment provided for employees as part of their health care coverage. The Employee Assistance Program can be reached by calling Owensboro Health at (270) 688-4162.

- b. All employees of the city are strongly encouraged to voluntarily contact the EAP if they believe they or an immediate family member might have a problem with drug or alcohol abuse. An employee who feels that they have developed an addiction or dependence on alcohol or drugs may be entitled to other benefits in addition to the EAP herein described. The decision to seek such benefits or not is the sole responsibility of the employee. All information concerning the use of the medical insurance plan for this purpose will be treated as confidential medical information. Employees who seek treatment or counseling for substance abuse problems may be eligible for leave pursuant to the city's leave policies.
  - c. If an employee has been identified by the SAP as needing assistance in resolving problems associated with alcohol or controlled substances, the employee will be subject to follow-up testing as prescribed elsewhere in this policy. The SAP shall be either a licensed physician, certified psychologist, social worker, employee assistance professional, or addiction counselor.
  - d. Employees who voluntarily report a substance abuse problem prior to being required to take a controlled substance or alcohol test as defined in this policy will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, they will be subject to disciplinary action up to and including termination of employment. Failure to seek such assistance or to abide by the terms of the treatment plan shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a Return-to-Work Agreement that will further define conditions of continued employment.
  - e. The city's EAP provides services to employees regardless of race, color, religion, national origin, disability, sex, age, or any other state or federal-protected class.
- (22) The city is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, department superintendents/supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any department superintendent/supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.
- (23) Confidentiality of drug testing procedures and records are as follows:
- a. Drug/alcohol testing records shall be maintained by the human resources department, and except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
  - b. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Employees have the right to gain access to any pertinent records such as equipment calibration records and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
  - c. Records of a verified positive drug/alcohol test result shall be released to the department superintendent and human resources department on a need-to-know basis.
  - d. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
  - e. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the

results of the drug/alcohol test. The records will be released to the decision maker in the proceeding. The information will only be released with binding stipulation from the decision maker to make it available only to parties in the proceeding.

- f. Records will be released to the National Transportation Safety Board during an accident investigation.
- g. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- h. Records will be released if requested by a federal, state, or local safety agency with regulatory authority over the city or the employee.
- i. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of CFR Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken.

## **Fraternization**

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

## **Media Communications**

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

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

- (1) Normal office hours are Monday through Friday, 8:00 a.m. until 4:00 p.m. Office hours may be modified due to evening meetings and other similar functions, or when weather or other circumstances

require. City department office hours vary depending upon the needs of the department.

- (2) The work schedule of the individual employee will be established by the employee's department director or immediate department superintendent in a manner that is consistent with the needs of the city. The work schedule may be modified on a temporary basis when necessitated by workload or other work-related factors. A department superintendent that establishes a permanent work schedule for an employee that deviates significantly from the normal office hours shall provide notification and details regarding the modified work schedule to the human resources department. The human resources department will then notify the mayor.
- (3) According to the Occupational Safety and Health (OSH) guidelines, where extended work shifts are "unavoidable," employers should "make efforts, whenever feasible," to give affected workers time for rest and recovery, including extra breaks for extended shifts of more than eight hours. The city expects employees to work eight-hour shifts; however, in severe emergencies, such as snow or water main breaks, employees sometimes must work in excess of eight-hour shifts. Because of safety concerns, no operator shall work more than a 16-hour shift in any 24-hour period. Operators will take 15-minute break every two hours with a half-hour meal break after four hours. Department superintendents should use good judgment in allowing employees to be off after an extended work shift due to emergency situations. If the department superintendent has a question on how to handle an extended work shift due to emergency situations, they should contact the mayor or their designee.

## **Tardiness**

- (1) All employees are expected to arrive at their designated workspace prior to the beginning time of their work shift. For example, an employee that arrives five minutes after the appointed time is considered tardy.
- (2) All employees are expected to work their scheduled shifts. An employee that shows a pattern of absenteeism will be subject to the disciplinary policy. A pattern of absenteeism is tardy behavior exhibited over a three-month period. The following examples are patterns of absenteeism but are not exclusive examples:
  - a. Tardiness three or fewer days a month for six months.
  - b. Tardiness one day per week during a three-month period.

## **Meals and Rest Periods**

- (1) Unless other arrangements are made with the employee's immediate department superintendent, all hourly employees, other than police and fire employees, are expected to take an unpaid lunch period of 30 minutes each workday. Police and fire employees are expected to take a paid lunch period of 30 minutes each workday. The lunch period shall occur no sooner than three hours after the employee begins their work shift and no later than five hours after the employee begins their work shift. However, an employee and their department superintendent may agree to make a reasonable alternative schedule for a meal period on a temporary basis and any such change should be noted in writing.
- (2) Employees are encouraged to schedule personal breaks as workflow allows. The total time taken for personal breaks should not exceed 15 minutes during each four hours worked. No reduction in compensation shall be made for time spent on personal breaks taken in conformance with this policy for either exempt or nonexempt employees.
- (3) For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times (approximately 20 minutes) to express breast milk for her baby. The city will



provide a room which is separate from the bathrooms, is shielded from view by the public and coworkers, and is cleaned and sanitized regularly. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the human resources department.

## **Inclement Weather**

- (1) Emergency closings will be authorized by the mayor. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the city administrator or other appointed person will notify department superintendents. Employees will be notified by their department superintendents.
- (2) If the city system remains closed for an entire day because of an inclement weather situation, all employees scheduled to work that day will be paid for the number of hours they were scheduled to work including any applicable shift differential. If an emergency closing occurs during hours the city is open, employees will be paid for any remaining hours scheduled including any applicable shift differential. However, said hours will not be included in overtime calculations. Further, if an employee is off on vacation or sick leave, they will not receive credit for the hours that the city was closed.
- (3) If the city opens late due to an inclement weather situation, scheduled staff who report to work will receive credit for regular scheduled hours for that day including any applicable shift differential. However, said hours will not be included in overtime calculations.
- (4) When the city is open but extreme weather conditions make it impossible for an employee to arrive at the regular time, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time, they must charge the day to vacation or leave without pay equal to their regular work schedule for that day. The department superintendent should be notified as soon as possible.
- (5) Certain essential services are required to be maintained in any closing. The employees involved in these essential services are excused from work only with the specific authorization of their department superintendents, regardless of radio or other announcements. Department superintendents should clarify beforehand who essential employees are during emergencies, what their obligations are, and what procedures will be used to let them know whether they will be needed to work. Failure to report to work during emergencies by employees required for essential services may be cause for disciplinary action.
- (6) For nonexempt employees any hours worked over 40 hours within the workweek are paid at one-and-one-half times the rate (overtime). Ability to take the time off is at the request of the employee and the approval of the department superintendent.
- (7) The city clerk will notify the public and will post closing signs in the event the city opens late or closes early.

## **Standards of Performance and Conduct**

- (1) Each employee is a representative of the city, both internally with coworkers and externally with citizens, contractors, business associates, affiliates, and others. As a representative of the city, each employee is expected to act professionally, honestly, ethically, courteously and with integrity in all business transactions and interpersonal interactions while at work or in any activity performed on behalf of the city.
- (2) The city expects all employees to conduct themselves in a professional, mature, and lawful manner.

Employees must comply with established rules, regulations, policies, procedures, and directives. Failure to do so will ultimately result in disciplinary action. To avoid misunderstandings about the types of conduct that are considered unacceptable, a non-exhaustive list of specific infractions is provided below purely for informational purposes as a general guide for employees:

- a. Unexcused tardiness.
- b. Unexcused and excessive absenteeism.
- c. Failure to perform an assigned task, meet a deadline, or otherwise follow an instruction or directive.
- d. Insubordination or willful refusal to follow reasonable instructions, rules, regulations, policies, or to accept assignments.
- e. Misuse of leave time.
- f. Intentional or unintentional violations of the policies and procedures in this Handbook.
- g. Inability to perform duties or requirements of the job because of the loss of necessary licenses or other requirements.
- h. Discourteous behavior toward the public or other employees.
- i. Theft or embezzlement of city property or assets.
- j. Use, possession, sale or transfer of illegal drugs, or being under the influence of illegal drugs in any manner that may impair the employee's ability to perform assigned duties or that may adversely affect the city's business or reputation.
- k. Personal behavior, whether on or off duty, which discredits the city and is likely to damage the public reputation of the city.
- l. Falsification of records.
- m. Invasion of another employee's privacy.
- n. Assault or fighting.
- o. Conviction of a serious criminal offense which jeopardizes or is injurious to the city's property and security, its public reputation, the interests of other employees, or which is incompatible with the due and faithful discharge of duties and responsibilities.
- p. Sexual or nonsexual harassment.
- q. Horseplay or pranks which threaten the safety and security of the workplace or are offensive to other employees.

## Dress Code and Hygiene

- (1) As representatives of the city during work hours, it is important for employees to present a professional impression to citizens, vendors, coworkers, and others. Clothing should be neat, clean, in good taste, and should not constitute a safety hazard. Employees are expected to maintain the highest standards of personal cleanliness and appearance during work hours and when representing the city outside of normal work hours.
- (2) The minimum standard of dress for city office employees is "business casual," although there are occasions or situations, such as meetings, that require "business professional" attire. From time to time, these standards may be relaxed by management to allow employees to wear more casual clothing. Examples of such times include cleanup days, severely inclement weather, or when more casual

clothing may be appropriate for the work to be done.

- (3) Professional appearance also means that the city expects employees to maintain good hygiene and grooming while working. Facial hair is permitted if it is neat and well-trimmed. Piercings are acceptable unless there is a safety concern. Tattoos may not be offensive in nature. “Offensive” shall generally mean anything of a sexual nature or anything that impugns another’s race, creed, religion, color, or sexual preference.
- (4) An employee may be granted an exception to this policy by human resources director for certain medical conditions.
- (5) An employee wearing inappropriate attire will be required to leave work to change into appropriate attire. An employee will not be compensated for the time they are away from work to change into appropriate attire and must use vacation, personal, or comp time for the time spent away from work.
- (6) To promote safety for our employees when traveling conditions are hazardous, the City of Madisonville has instituted an “Inclement Weather Dress Code.” This dress code will be in effect on days when Hopkins County Schools have delayed or canceled classes due to inclement weather for that day. Employees may wear casual clothing such as jeans, sweaters, and flannel shirts, so long as the clothing is in good taste and is free from holes and cuts. Footwear that is appropriate for these conditions that are flat and have high-traction soles should be worn. Examples include hiking boots, snow boots, trail runners, or running shoes. No high heels or slick leather-soled dress shoes shall be worn. If a meeting was previously scheduled that requires different attire, shoes with heels or slick leather soles are to be carried into the office and changed into once inside.
- (7) An employee with questions regarding this policy should direct their inquiries to the human resources department.
- (8) Additional provisions for police and fire department personnel can be found in the departments’ policies.

## Uniforms

- (1) The annual budget process shall determine the uniform policy of the city.
- (2) All employees who are authorized to wear uniforms provided by the city shall wear the uniforms during all working hours. Uniforms provided by the city shall be worn only to and from work, and while at work.
- (3) If the city provides “everyday apparel” in lieu of uniforms (e.g., blue jeans, civilian clothing for sworn police personnel, etc.), the actual allowance or cost of apparel shall be considered a taxable benefit and credited as additional income for tax purposes for each pay period.
- (4) Employees eligible for safety (steel-toe) shoes shall wear the shoes at all hours while at work. Safety (steel-toe) shoes shall not be considered a taxable benefit.
- (5) Additional provisions for police and fire department personnel can be found in the departments’ policies.

## Use of Office and Mobile Telephones

The office telephone system is provided and paid for by the city to facilitate the conduct of its business. Extensive use of the city telephone system or mobile phones for the personal business of employees interferes with the efficient and effective conduct of the city’s business. While the city understands that employees must

occasionally make and accept personal calls, texts, or other messages during work hours, personal communication should be kept to a minimum, both in terms of the number of personal calls/messages per day and the duration of individual calls/messages. Excessive use of the office telephone system or mobile phones or personal mobile phones for personal calls, texting, or other personal messaging during work hours may result in disciplinary action.

## Mobile Telephones and Communications Devices

The city makes available mobile telephones and personal digital assistants (PDAs) to employees to facilitate the conduct of city business. Decisions regarding which employees are eligible to be issued these devices are made based on the employee's job functions. Employees who have been issued and have accepted mobile telephones or PDAs from the city are subject to the following requirements:

- (1) If a device is lost, stolen, or is physically damaged beyond repair, the employee may be responsible for paying a replacement cost or a portion of the replacement cost. The replacement cost will be calculated as a pro rata amount based on the fair market value. Employees may purchase additional equipment or other accessories that are not included with the original purchase of the phone or PDA and are responsible for the full replacement cost of such items.
- (2) Upon prior approval from the mayor, an employee may purchase their own telephone or PDA, which is not standard equipment issued by the city. The city shall evaluate the compatibility of the device with the security protocol of the city's servers. Employees that are not eligible to be issued a city device shall not be permitted to connect to the city network.
- (3) Employees shall not submit, nor shall any department superintendent approve any mobile telephone or PDA expenses for reimbursement on an employee expense report.
- (4) Employees who incur additional charges for the purchase of ring tones, other "extras" or overages, or incur charges for the use of "411" directory assistance shall be responsible for those charges and will be invoiced for the amount.
- (5) All city policies including and not limited to safety, harassment, ethical conduct, confidentiality, protected health information, and conflict of interest apply fully to electronic device usage.
- (6) All devices must be protected by a password. The user agrees to never disclose their password to anyone. The password should be a minimum of four characters. The device will automatically be locked after a period of inactivity.
- (7) Lost or stolen phones or other communication devices should be immediately reported to IT and IT shall report it to the human resources department.
- (8) Since mobile telephones, PDAs, and locally stored data may be subject to Open Records Laws, there is no expectation of privacy. Each user is responsible and accountable for the content and use of these tools. Should a personal device be used for business purposes, the employee must comply with Open Records Laws, including archival of data. See attached Appendix B, Email and Communications Retention Schedule for more information on records requirements.
- (9) Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the device for return to the city. The city reserves the right to delete the information on the communication device.

## Vehicle Use

- (1) The operation of vehicles is necessary in conducting much of the city's business. This policy establishes

requirements governing the operation of city-owned, leased, or rented vehicles and the operation of personal vehicles while conducting business on behalf of the city.

- (2) Employees operating the city-owned, leased, or rented vehicles, which includes special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site, and employees who are performing employment functions on behalf of the city in a privately owned vehicle must meet the following requirements:
- a. The employee shall hold a valid driver's license.
  - b. Before driving a city-owned vehicle, operators must have a valid drivers' license for at least three years.
  - c. The employee shall not operate a city vehicle or use a privately owned vehicle in conducting business on behalf of the city while the employee's license is under revocation or suspension.
  - d. A valid driver's license must always be in the employee's possession while operating a city-owned vehicle.
  - e. Any employee who may operate a city-owned vehicle while performing employment functions on behalf of the city shall be subject to an annual Division of Motor Vehicle Records Check and must sign the Driver's License Background Check Release (HR Form 04).
    1. An accumulation of eight or more points in the previous 12-month period or an accumulation of 10 or more points in the previous 18-month period shall be cause for disciplinary action up to and including suspension of city driving privileges.
    2. The human resources department shall advise the employee's department superintendent and the mayor when a driving record meets this threshold.
  - f. Only city employees are authorized to operate city vehicles.
    1. Persons volunteering services to the city are considered employees of the city for purposes of this policy and may operate city vehicles when their duties require such travel and is under the approval or direction of the department director and necessary in the course of performing official city business.
    2. Employees of other public entities may operate city vehicles under the specific approval of the department director as long as such operation is essential in conducting city business. Department directors granting permission for non-city employees to operate city vehicles are responsible for ensuring that the driver is properly licensed, trained, and qualified to operate the vehicle.
  - g. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any city vehicle may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action.
  - h. When cargo, materials, or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
  - i. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.

- j. Alcoholic beverages shall not be transported or placed in any city vehicle.
- k. Employees must complete a Preoperational Inspection Form for passenger sedans, light duty pick-up trucks, and all other vehicles that do not require a commercial driver's license (CDL):
  - 1. At least once per week, the operator of these vehicles is responsible for ensuring that all vehicle safety equipment including headlights, turn signals, brake lights, and horn are functioning properly.
  - 2. The operator is also responsible for ensuring that fluid levels including brake, transmission, engine oil, and coolant are properly maintained.
- l. A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer.
- m. No vehicle shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake, locking the doors, or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement.
- n. Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.
- o. City vehicles not taken home shall be secured in city parking lots during non-duty hours. The keys shall be removed, and the vehicle locked. When it is necessary to leave a vehicle at a job site overnight, the operator shall ensure the vehicle is parked and secured in an area which provides reasonable security.
- p. When using a trailer, dolly, or other equipment, the following shall apply:
  - 1. The driver shall ensure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.
  - 2. The driver shall ensure that the trailer or other towed equipment is supplied with proper lighting including brake lights, turn signals, and running lights.
  - 3. Any vehicle having a load which extends more than four feet beyond the rear shall have the end of the load marked with a red flag which shall be at least 12 inches square.
- q. Backing guidelines for large vehicle and construction equipment are as follows:
  - 1. Whenever possible, the driver will position the vehicle so as to avoid the necessity of backing.
  - 2. Park the vehicle so that the first move is forward when leaving. This means backing the vehicle into a parking space or pulling through a parking space.
  - 3. These methods do not apply to diagonal parking spaces.
  - 4. Before entering the vehicle, the driver shall perform a walkaround to check clearances prior to entering the vehicle.
  - 5. The driver shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic.
  - 6. Never back a vehicle when windows or mirrors are covered with snow, ice,

- frost, or other substances that prevents the driver from visually clearing their path.
7. Back slowly, even during emergency situations.
  8. Be familiar with the vehicle's blind spots to reduce the area that may not be visible in the side mirrors.
  9. When available, use a spotter to back all vehicles. Before and during backing movements, the driver and spotter should check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow a full stop.
  10. If a spotter is not available, cones shall be placed in the front and rear of the vehicle after parking and picked up prior to leaving to ensure a full walk-around is completed.
  11. This policy applies to all vehicles, including those fitted with backup cameras. These cameras can be an effective tool for preventing backing accidents, but such equipment should be used in addition to the techniques outlined in this policy.
- r. The employee shall obey all city, county, state, and federal laws and regulations.
  - s. The employee shall not operate a motor vehicle while under the influence of alcohol or while being under the influence of illegal or controlled substances.
  - t. The employee and all occupants shall wear safety belts at all times.
    1. The operator of construction, excavation, and other off-road equipment shall use the occupant restraint system any time the vehicle is in operation.
    2. Employees are prohibited from removing, deactivating, modifying, or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.
  - u. The employee shall have on their possession a valid driver's license at all times they are operating a city vehicle or is using a privately owned vehicle in the performance of city business.
  - v. No employee shall operate a vehicle while normal vision is obstructed.
- (3) All employees operating a vehicle on city business shall undergo annual defensive driver training.
- a. The Kentucky League of Cities offers two defensive driving courses for employees' convenience. Each of these courses has four modules. Each module can easily be viewed in under 30 minutes.
  - b. Use one course per year for training purposes.
  - c. The defensive driving courses can be found on the KLC insurance portal under the Risk and Safety tab.
- (4) The city may not provide coverage for liability or physical damage to an employee's privately owned vehicle. Employees who use personally owned vehicles for city business should confirm that their personal auto insurance policy provides coverage for this use.
- a. Employees who use their personal vehicle or receive a monthly vehicle allowance while conducting city business shall maintain at least the state minimum of liability

coverage.

- b. Annual verification of minimum coverage will be requested.
- (5) Any employee who receives a citation or towing charge while operating a city vehicle shall notify the human resources department, in writing within 48 hours of receipt of the citation or towing charge. In addition, an employee who operates a city motor vehicle is required to notify the human resources department, in writing within 48 hours of any motor vehicle violation conviction entered against the employee that involves driving while under the influence, or which has resulted, or may result, in the suspension or revocation of the employee's motor vehicle license.
- (6) If the operation of a city vehicle is a condition of employment, and an employee is unable to operate a motor vehicle due to the suspension or revocation of the employee's license, the employee must inform the city of the suspension or revocation.
- a. Any DUI conviction or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including suspension of city driving privileges.
  - b. An employee whose driver's license has been suspended for any reason shall not be allowed to operate any over-the-road city-owned vehicles.
  - c. Employees who have obtained temporary driving permits or hardship licenses shall not be permitted to operate over-the-road city-owned or privately owned vehicles in the performance of official city duties.
  - d. Temporary or permanent suspension of city driving privileges shall be considered loss of a job required prerequisite for employees whose position requires operation of an over-the-road vehicle.
  - e. Additionally, the employee must, at their own expense, arrange for and provide transportation so the employee is able to continue to fulfill the employee's job requirements.
  - f. An employee who has been determined to be "at fault" in two or more accidents within a 24-month period while driving a city-owned vehicle or privately owned vehicle in the performance of official city business shall be subject to disciplinary action up to and including suspension of city driving privileges.

## Assigned City Vehicles

- (1) When economically feasible and in the best interest of the city, employees may be assigned a city vehicle which they will keep and maintain for business and personal use during the time of assignment. A full-time employee with a position that requires business driving, who holds a valid driver's license and has a good driving record as determined by the mayor, may be eligible for the assignment of a city vehicle under any of the following conditions:
- a. The employee's position requires the employee to be on call and available to the city.
  - b. Duty vehicles designed or equipped for high priority response where response time will be enhanced by allowing the vehicle to remain in custody of the individual employee. Employees assigned to duty vehicles which are taken home must be available to respond upon request on a 24-hour basis any time the employee has custody of the vehicle.
  - c. To prepare for a post-disaster response in order to plan an effective and efficient recovery.



- d. The employee's position must be specified by the city administrator as a position to which assignment of a city vehicle is considered part of the employee's compensation package.
- (2) An employee who is assigned a city vehicle on a permanent basis is subject to the following requirements:
    - a. **Commuter Rule:** Unless specifically exempted by federal regulations, take-home city vehicles shall be a taxable benefit. Employees who drive city-owned vehicles to and from work shall be credited with additional gross income for tax purposes in the amount of \$1.50 per day for each day the vehicle is driven to work and \$1.50 per day for each day the vehicle is driven from work. For example, an employee who drives a city-owned vehicle to and from work 10 times during the biweekly pay period shall be credited with an additional income of \$30 for tax purposes for the pay period. Personal use other than commuting is prohibited and grounds for disciplinary action. Employees who drive qualified nonpersonal use vehicles (e.g., marked police vehicles) are exempt from the taxable benefit under the federal regulations; however, personal use for travel outside of the officer's or firefighter's jurisdiction is prohibited and grounds for disciplinary action.
    - b. **Gas Expense:** An employee shall submit receipts for refueling assigned vehicles in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.
    - c. **Maintenance, Inspection, and Repairs:** The employee is responsible for ensuring that routine maintenance on the vehicle, as specified in the owner's manual, and as the city may specify in writing, is performed at the intervals specified in such documents. Service other than routine maintenance must be performed at the service center as directed by the city. Information on the service center can be obtained from the human resources department.
    - d. The city will arrange for license plates, registration certificates, and insurance cards. The city pays local property taxes. The employee should not receive a tax bill.
    - e. An assigned vehicle shall be turned in no later than the last day of employment. A terminated employee shall not continue use of the vehicle under any circumstances.
  - (3) In operating an assigned city vehicle:
    - a. The employee shall not permit or give permission for any person besides the employee's spouse, in an emergency, or another city employee to drive the city vehicle. Violation of this provision will subject the employee to disciplinary action.
    - b. The employee shall follow the Vehicle Use Policy as set forth in Section 3 of this Handbook.
    - c. The employee shall report vehicle accidents in accordance with the Vehicle Accidents Reporting Requirements Policy in Section 3 of this Handbook.
  - (4) Vehicles in the city's car fleet will be replaced at the city's discretion. In addition, the city may, at its discretion, revoke a vehicle assignment at any time or otherwise change the position or work requirements of the employee.

## **Distracted Driving**

- (1) Employees shall not use cellular telephones or any other mobile electronic devices while operating a motor vehicle to read or respond to emails and text messages or accessing the internet. Employees are prohibited from wearing a headset or earphones over or in both ears unless an exception under paragraph (3) applies. This policy is in effect while operating a city-owned vehicle or operating a privately owned vehicle in the course of conducting city business.

- (2) Furthermore, employees, unless an exception under paragraph (3) applies, should consider:
  - a. Turning off wireless phones before starting the car;
  - b. Pulling over to a safe place and put the vehicle in "park" if a call must be made or received while on the road;
  - c. Modifying voicemail greeting to indicate the employee is unavailable to answer calls or return messages while driving;
  - d. Informing clients, associates, and others of this policy and provide an explanation on why calls may not be returned immediately; and
  - e. Pulling over to a safe place and put the vehicle in "park" to make adjustments to a Global Positioning System or other navigational device.
- (3) Pursuant to KRS 189.292, the Distracted Driving Policy shall not apply to an emergency or public safety vehicle, when the use of a personal communication device is an essential function of the vehicle operator's official duties.

## Vehicle Accident Reporting Requirements

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

## Information Technology Acceptable Use Policy

- (1) The city's electronic resources are provided for the transaction of official business of the city. This policy is a supplement to the Acceptable Use of Computer Technology Policy in Appendix D. It is intended to establish rules applicable to all city personnel to ensure the city's electronic resources are appropriately utilized and protected.
- (2) All data that is stored on media owned by the city is the property of the city. To properly maintain and

manage this data, the management may exercise at any time its right to inspect, record, and/or remove any or all information contained in computer databases, files, and email records, and to take appropriate action should unauthorized or improper usage be discovered.

- (3) All employees and officers who use computer equipment and software in the performance of their duties shall take all reasonable and necessary precautions to prevent damage to the equipment and software. To ensure the integrity of the city's computer system and software, all employees and officers are prohibited from connecting any hardware or loading any software onto the system, or any individual component of the system, unless the hardware or software has been specifically approved in advance by the city IT department.
- (4) Access to the data stored on the city's computer systems shall be limited to city employees and officers who require such access for the performance of their assigned duties. Employees or officers may not attempt to use passwords to gain access to coworkers' email or computer files without appropriate authorization.
- (5) No employee or officer shall make copies of data or software programs owned by the city for their own personal use, or for any purpose not required by the employee's assigned duties. In the event that a software licensing agreement authorizes the reproduction of software and an employee's desire to obtain a copy of the software for installation on a single home computer to assist the employee in the performance of assigned duties outside of regular office hours, the employee shall seek specific approval from the city IT department before copying the software.
- (6) All city business email communications shall be conducted through the city email accounts. No city business conducted by an officer or employee of the city shall occur through a personal email account. Employees are expected to observe proper business decorum in all communications regarding city business. Any city business conducted outside of the city email account will be subject to public records and it is the responsibility of the employee or officer to retain those messages in accordance with the Open Records Act, the Kentucky Department of Library and Archives Schedule, and the Email and Communications Retention Schedule, as set out in Appendix B. Questions regarding any recordkeeping requirements should be directed to the city clerk.
- (7) Employees or officers should have no expectation of privacy associated with information they transmit through or store in electronic mail programs owned by the city, even those on a cell phone. All messages and data processed electronically over the city-owned computers and communications systems are the property of the city and may be subject to the Open Records Act.
- (8) To maintain the integrity and security of the city computer resources, employees or officers are strictly prohibited from downloading any software, unless prior approval is granted by the employee's department superintendent after consultation with the city IT department. Excessive use of the internet for personal reasons during work hours may be grounds for disciplinary action.

## **City Social Media Policy**

- (1) The city may utilize social media and social network sites to further communicate with citizens.
- (2) The intended purpose behind establishing the city's social media sites is to disseminate information from the city and to encourage discussion of city issues, operations, and services by providing members of the public the opportunity to participate through various platforms.
- (3) For purposes of this policy, "social media" is understood to be content created by individuals using the internet. Examples of social media include Facebook, blogs, Instagram, RSS, YouTube, Second Life, Twitter, LinkedIn, and Flickr.

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

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

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

- 6. Conduct or encouragement of illegal activity;
  - 7. Information that may tend to compromise the safety or security of the public; or
  - 8. Content that violates a legal ownership interest of any other party.
- c. The city reserves the right to deny access to the city’s social media sites for any individual who violates the city’s Social Media Policy, at any time and without prior notice.
  - d. Departments within the city shall monitor their social media sites for comments requesting responses from the city and for comments in violation of this policy.
  - e. When a city employee responds to a comment in their capacity as a city employee, the employee’s name and title shall be made available, and the employee shall not share personal information about themselves or other city employees.
  - f. All comments posted to any city social media site are bound by the Social Media’s Statement of Rights and Responsibilities, and the city reserves the right to report any violation to the social media site with the intent of the social media site taking appropriate and reasonable responsive action.

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

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

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

## Employee Privacy Expectations

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

## Telecommuting

(1) **Objective**

Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their workweek. The city considers telecommuting to be a viable, flexible work option when both the employee and the employer are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment.

(2) **Procedures**

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel. Telecommuting can also be formal with a set schedule of working away from the office as described below. Only the mayor or city administrator in collaboration with the department superintendent and HR director can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be approved by the mayor and city administrator on a trial basis and may be discontinued at will and at any time. In the event the arrangement is discontinued, every effort will be made to provide advanced notice of such change to accommodate commuting, childcare, and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

(3) **Eligibility**

Individuals requesting formal telecommuting arrangements must be employed with the city for a minimum of 12 months of continuous, regular employment, and must have a satisfactory performance record.

Before entering into any telecommuting agreement, the city administrator, department superintendent, and HR director will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The city administrator, department superintendent, and HR director will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The city administrator, department superintendent, and HR director will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Operational logistics. The city administrator, department superintendent, and HR director will access equipment needs, workspace design considerations, scheduling issues, the physical workspace needs, and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state, and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and leadership agree, a draft telecommuting agreement will be prepared and signed by all parties, and a trial period (to be determined) will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and email between the employee and leadership, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, recommendations for continuance or modifications will be determined by the city administrator, department superintendent, and HR director. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and the department superintendent will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the department superintendent and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

(4) **Equipment**

On a case-by-case basis, the city administrator will determine, with information supplied by department superintendent and HR director, the appropriate equipment needs (including hardware, software, modems, phone, data lines, and other office equipment) for each telecommuting arrangement. The Information Technology Department will serve as resources in this matter. Equipment supplied by the

organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. The City of Madisonville accepts no responsibility for damage or repairs to employee-owned equipment. The City of Madisonville reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all city property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made.

The city will supply the employee with appropriate office supplies (e.g., pens, paper, etc.) as deemed necessary. Employees will be reimbursed for business-related expenses, such as shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. The city will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, lighting, or for repairs or modifications to the home office space.

(5) **Security**

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

(6) **Safety**

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with their regular work duties are normally covered by the city's Workers' Compensation Policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to their home worksite.

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

(7) **Time Worked**

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the city's timekeeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's department superintendent. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

(8) **Ad Hoc Arrangements**

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.



Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

## Smoke-Free Workplace

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

## Customer Relations

- (1) The city requires city employees to provide excellent customer service to the public and to their coworkers. The same quality service is provided to all customers regardless of age, race, nationality, socioeconomic and educational background, physical condition, etc. The city's success and long-range plans are built on this commitment to provide excellent customer service by:
  - a. Revising policies to value and support customer service efforts;
  - b. Creating staff customer service training;
  - c. Establishing plans for promoting customer communication; and
  - d. Developing ways of measuring customer satisfaction.
- (2) All other city policies should be interpreted in relation to the Customer Service Principles outlined in Appendix C of this Handbook.

## Open Records Policy

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

## **Section 4 – Employee Code of Ethics**

Pursuant to the city's Ethics Ordinance:

## Conflicts of Interest in General

- (1) Every officer and employee of the city and agencies thereof shall comply with the following standards of conduct:
  - a. No officer, employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
  - b. No officer or employee shall intentionally use or attempt to use their official position with the city to secure unwarranted privileges or advantages for themselves or others.
  - c. No officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city to obtain a financial benefit for any of the following:
    1. The officer or employee;
    2. A family member;
    3. An outside employer;
    4. Any business in which the officer, employee, or any family member has a financial interest; or
    5. Any business with which the officer, employee, or any family member is negotiating or seeking prospective employment, or other business or professional relationship.
- (2) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (c)(4) and (c)(5) of this section, as a member of any business, occupation, profession, or other group to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.
- (3) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by their participation, vote, decision, or other action taken within the scope of their public duties shall disclose the precise nature to the governing body of the city or the agency thereof served by the officer or employee. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

## Conflicts of Interests in Contracts/Agreements

- (1) Pursuant to KRS 61.252, no officer or employee of the city or any city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:

- a. The prohibition in subsection (1) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a nonelected office with the city or city agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by a city or city agency officer or employee before they became a candidate, were appointed to office, or were hired as an employee, is renewable after they become a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (1) of this section shall apply to the renewal of the contract.
- b. The prohibition in subsection (1) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing the contract performance after the contract is awarded. If the officer or employee has any of the authorities as set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart (c) below are satisfied.
- c. The prohibition in subsection (1) of this section shall not apply in any case where the following requirements are satisfied:
  - 1. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.
  - 2. The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.
  - 3. A finding is made by the governing body of the city or city agency that the contract with the officer, or the employee is in the best interests of the public and the city or city agency before the contract is executed.
  - 4. The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.
- (2) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section.
- (3) Additionally, violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules, or regulations of the city.

## Confidentiality of City Records

- (1) No employee of the city or any city agency shall intentionally use or disclose information acquired in the course of their official duties if the primary purpose of the use or disclosure is to further their personal financial interest or that of another person or business. Information shall be deemed confidential if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, or the exceptions within the Open Meetings Act, KRS 61.810, at the time of its use or disclosure.
- (2) Employees shall not use confidential knowledge gained through official duty for personal profit.

## Receipt of Gifts

No officer or employee of the city shall directly or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than \$250, whether in the form of money, service, loan, travel, entertainment, hospitality, or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence or could reasonably be expected to influence the officer or employee in the performance of their public duties; provided, however, any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with such campaign. Nothing in this section shall prohibit the payment of reasonable actual out of pocket expenses for meals, lodging, and travel incurred while on fact-finding or economic development trips.

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

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

- a. The use is specifically authorized by a stated city policy.
- b. The use is available to the general public and then only to the extent and upon the terms that such use is available to the general public.

## Political Activity

- (1) The city is a nonpartisan organization that operates in a political environment. Every employee must make the maximum effort to minimize any appearance of political favoritism while sustaining a harmonious working relationship with federal, state, and local leaders and citizens.
- (2) No employee shall be permitted to solicit funds or otherwise engage in any political campaign activity during working hours or while in a city uniform.
- (3) No employee shall use any supplies or equipment of the city for political purposes.

## Reporting Code of Ethics Violations and Penalties

- (1) An employee who becomes aware of a violation of any policy in the Code of Ethics should report the violation promptly to any one of the following:
  - a. The Board of Ethics;
  - b. Their immediate department superintendent or department director;
  - c. The city clerk;
  - d. The city attorney;
  - e. The mayor;

- f. Any member of the council; or
  - g. Any department superintendent with whom the employee feels comfortable discussing the matter.
- (2) All reports of a violation of the Code of Ethics shall be reduced to writing by the reporting employee or by the person receiving the report. The employee may use the Complaint Form (HR Form 15) for this purpose. The report shall be signed by the complaining employee. All reports of violations will be kept confidential to the extent feasible and appropriate under the circumstances.
- a. All reports shall be reviewed and investigated. The violation will be investigated by the Board of Ethics. The results of the investigation will be communicated to the complainant, the alleged policy violator, and the mayor/council. Any employee found to have engaged in misconduct constituting a violation of this policy will be appropriately disciplined, up to and including dismissal.
  - b. As provided under the Whistleblower Protection for City Employees Policy in Section 4 of this Handbook, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. Any person found to have discriminated or retaliated against an employee who makes a complaint shall be subject to disciplinary action, up to and including dismissal.
  - c. The city recognizes that the question of whether a particular course of conduct constitutes a violation of the city's Code of Ethics may require a factual determination. The city also recognizes that false accusations have serious effects on innocent parties. If an investigation results in a finding that the complaining party made a false accusation with malice or with a reckless disregard for the truth, the complaining party will be subject to appropriate sanctions, including dismissal.
- (3) An employee may speak directly to any member of the Board of Ethics about a violation of the Code of Ethics if the employee has reported a violation to members of management without result.
- (4) Any report regarding an elected city officer shall be submitted to the city Board of Ethics, who shall determine the course of the investigation and the proper manner to address the complaint.

## **Whistleblower Protection for City Employees**

- (1) The city strictly prohibits retaliation or discrimination against any employee who reports a violation of the policies contained in this Handbook, or a violation of any applicable federal, state, or local law, or regulation to city department superintendent staff, the Board of Ethics, law enforcement authorities, or other appropriate officials.
- a. No city employee shall use or threaten to use their department superintendent authority or influence to discourage, restrain, suppress, dissuade, deter, prevent, interfere with, or coerce an employee from reporting any violation of the policies contained in this Handbook to their department superintendent or any other member of the city's department superintendent staff.
  - b. No city employee shall retaliate or discriminate against an employee because they support, aid, or otherwise substantiate another employee who reports a violation of the policies contained in this Handbook to the Board of Ethics.

- c. No city employee shall retaliate or discriminate against another employee because they report a violation of the policies contained in this Handbook to the Board of Ethics after informing members of the city department superintendent staff without satisfactory resolution.
  - d. The city strictly prohibits retaliation or discrimination against any employee who reports a violation of any applicable federal, state, or local law, or regulation to city department superintendent staff, the Board of Ethics, law enforcement authorities, or other appropriate officials.
  - e. The provisions of this policy in no way alter the at-will employment status of city employees. This policy does not create any contractual or other rights for employees, and the city may alter, amend, or remove any policy contained in this Handbook at any time with city council approval.
- (2) Any employee who receives an official request from an outside agency for information related to the city shall promptly inform their immediate department superintendent of the request. Any employee who receives a request from media for information related to the city shall forward the request to the city clerk and shall otherwise follow the Media Communications Policy in Section 3 of this Handbook.
  - (3) Any city employee who makes a false report of a violation or discloses information related to a report of a violation of city policies or the law with reckless disregard for the truth shall be subject to disciplinary action, including the possibility of immediate dismissal.

## **Complaints from Non-City Employees**

- (1) The city shall provide a dedicated section on its website. Employees shall follow the process required in the Reporting Code of Ethics Violations and Penalties Policy in making reports regarding violation of the Code of Ethics but may direct any individual who is not employed by the city to the website for the purpose of making a complaint or expressing a concern. The city shall not accept anonymous complaints and the website shall require the individual submitting the complaint to identify themselves.
- (2) The website shall provide the name, address, telephone number, and email address where all officers of the city, as well as the Board of Ethics, may be contacted to receive complaints or hear any concerns related to the operations of the city.
- (3) Any officer receiving a complaint shall forward the information to the other officers, who shall collectively determine the appropriate manner to address the complaint or concern. The Board of Ethics shall inform the mayor of the receipt of the complaint and involve the mayor as necessary in the resolution of any complaint.

## **Section 5 – Employee Financial Practices, Reporting, and Reimbursement**



# Purpose of the Policies Contained in this Section

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

## Employee Expense Reports and Reimbursement

- (1) Business expenses may be charged to the city on a credit card issued to the employee in accordance with Use of City Credit Cards Policy in Section 5 of this Handbook or paid from the employee's private funds and reimbursed upon the submission of the documentation required under this policy.
- (2) An employee requesting reimbursement for business-related expenses made on behalf of the city shall complete the Expense Report (HR Form 16). The employee shall submit expenses and supporting documentation in the following manner:
  - a. Expenses shall be submitted on at least a calendar-month basis. Expenses submitted for reimbursement are due to the city accounting department within 15 days from the end of the month in which the expense was incurred. Employees shall not include expenses from different calendar months on the same expense report.
  - b. Requests for reimbursement in expense reports shall be accompanied by a receipt and all supporting documentation, including itemized receipts, when available. The employee shall provide the business purpose, the date, location, amount, and the persons being covered by the purchase on the receipt or in supporting documentation. Failure to provide a receipt and other applicable supporting documentation will result in denial of the reimbursement, unless the expense report is accompanied by an approved Missing Receipt Affidavit (HR Form 17). Credit card statements will not be accepted as evidence of a receipt.
  - c. All expense reports must be approved and signed by the employee's department superintendent or department director with the responsibility of budgeting and reviewing business expense information for the employee's department. The finance director, or their designee, shall review all expense reports prior to reimbursement for the purpose of determining compliance with city policies. The mayor's and council's expense reports shall be submitted to the finance director and approved by the council, in accordance with the city budget.
- (3) An employee who submits a fraudulent receipt or falsifies their expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
- (4) The city may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

## Use of City Credit Cards

- (1) The city has authorized revolving city credit cards to be issued to certain officers and employees recommended by the city administrator and mayor and as approved by the council. City credit cards are for use in making operational business purchases, purchases related to meetings, and other legitimate business expenses as set forth in this policy.

- a. Operational expenses are those expenses necessary for the running of the city. Examples include, but are not limited to, office supplies and equipment, other office-related expenses, computer supplies, and any other non-travel related expenses.
  - b. Meeting-related expenses include, but are not limited to, group meals, hotel meeting rooms, prepaid airfare, prepaid hotel accommodations, prepaid business car rental, prepaid conference and meeting registrations, prepaid expenses for meetings, and unanticipated event or travel needs.
  - c. These examples are not intended to limit credit card use for other legitimate business expenses.
- (2) Employees issued a city credit card for operational or meeting-related expenses will be subject to the following conditions:
- a. Only legitimate business and operational-related purchases may be charged on a city credit card.
  - b. The city credit cards shall not be used for personal expenses of any kind. In the event that an expense is determined to be personal in nature, the expense must immediately be reimbursed. The council, upon review, may require reimbursement of a personal expense outside of this time frame.
  - c. All monthly credit card statements shall be reviewed by the person named on the card and their immediate department superintendent, both of whom shall sign each page of the statement as evidence that they accept the identified expenses as legitimate business expenses. In addition, the statements shall be reviewed by the finance director, or their designee to determine compliance with city policies.
  - d. Itemized receipts of each transaction made using a city credit card must be submitted to the finance director promptly for approval. The receipts shall provide details on the business purpose, date, location, amount, persons covered by the purchase, and shall bear evidence of department superintendent approval on their face. Credit card statements will not be accepted as evidence of a receipt.
- (3) The city will review the policy regarding credit card usage and credit card limits on an as-needed basis, but no less than every three years.

## **Employee Travel Expense Reimbursement**

- (1) All city officers and employees shall receive prior approval from the mayor and/or their immediate department superintendent, based on the city budget, prior to any travel. Prior to any travel, an employee shall receive prior written approval through the submission of a Travel, Meeting, and Conference Request (HR Form 14). The Travel Request Form shall be reviewed and approved by the employee's immediate department superintendent and the city administrator. Any travel that has not been approved in the city operating or travel budget shall be approved by amendment of the budget by the council.
- (2) Registration for conferences and meetings shall be performed by the employee. Before registration is complete, the employee shall receive approval from the department superintendent through the Travel, Meeting and Conference Request Form. Employees should make an effort to provide this information in a timely manner so that the lowest possible registration fees may be obtained.

- (3) Reservations for overnight lodging shall be made by the employee. Before reservations are made, the employee shall receive an approved copy of the Travel, Meeting, and Conference Request Form from the department superintendent.
- a. Reservations will be made in such a manner to secure the best available rate for safe, clean, and secure accommodations as close to the meeting location as possible. Every attempt should be made for stay in the hotel hosting the conference or meeting and to pay the conference room rate.
  - b. In-room movies, room service, mini-bar, use of hotel gym, spa or massage services, sauna facilities, or other additions to room bills are not reimbursable. Only usual and customary expenses are eligible for reimbursement.
  - c. A copy of the hotel folio or receipt showing proof of payment shall be submitted by the employee for expense reimbursement.
- (4) Car rental reservations shall be made by the employee after approval has been received on the Travel, Meeting, and Conference Request Form. The following guidelines shall apply when rental reservations are made:
- a. Standard, full-size, mid-size, compact, or economy models shall be rented unless more than two persons are traveling together. Upgrades for other models are permissible if transporting materials, more than three individuals are traveling together, or other situations where cargo space is a factor. Unauthorized upgrades shall not be reimbursed.
  - b. The refueling option should be taken if extensive driving is planned. If the refueling option is declined, the car must be returned with a full tank of gas.
  - c. Rental vehicles should be returned to the original rental location in order to avoid costly drop-off charges unless there are extraordinary circumstances or returning the rental vehicle to a different location would provide an overall cost savings to the city in comparison to other travel alternatives.
  - d. Additional collision insurance offered by the rental company shall be purchased with the vehicle rental.
  - e. The vehicle accident reporting requirements outlined in Section 3 of this Handbook shall be followed in the case of an accident involving a vehicle rented by the city.
- (5) Employees may use a city-owned vehicle or their own vehicle for business travel on behalf of the city. Employees shall adhere to the following process related to mileage reimbursement:
- a. If an employee traveling by vehicle on behalf of the city chooses to use a city pool vehicle, the employee shall request a vehicle from the employee's department superintendent. Vehicles shall be reserved on a "first-come, first-served" basis.
    1. Employees using a city vehicle shall complete a mileage log detailing the amount of travel and the purpose of the travel.
    2. Employees traveling within city limits in a city pool vehicle shall return the vehicle with a full tank of gas after use by using the Fleet gas card.
    3. Employees using a city vehicle outside of the city limits shall submit gas receipts for refueling a city vehicle in order to receive reimbursement.

- b. When the city administrator approves the use of a personal vehicle because no city pool vehicle is available, the employee will be reimbursed for mileage. An employee shall be reimbursed at the mileage rate allowed by the Internal Revenue Service for business expense deductions under the following guidelines:
1. An employee shall not be reimbursed for transportation or commuting between the employee's home and their permanent workplace.
  2. Mileage shall not be reimbursed for attendance of a city function or event held outside of the workplace unless the employee has been assigned to work at the event.
  3. When an employee does not report to their permanent workplace or makes business trips before or after reporting to their permanent workplace, the allowable mileage is:
    - (a) The lesser of the mileage from the employee's residence to the first stop or from the office to the first stop;
    - (b) All mileage between points visited on city business during the day; and
    - (c) The lesser of the mileage from the last stop to the employee's residence or from the last stop to the city office.
  4. To receive mileage reimbursement, the employee shall state on their expense report the total number of miles traveled on city business as found on the Mileage Log (HR Form 24). The employee shall include the starting points and ending destination for each trip along with a description of the purpose of the travel. Any travel of a personal nature while on city business shall be deducted from the total miles traveled.
  5. Parking violations and traffic or other moving motor violations are not reimbursable expenses.
  6. If the employee is involved in an auto accident while on city business driving their own privately owned vehicle, they shall follow the Vehicle Accident Reporting Requirements Policy outlined in Section 3 of this Handbook.
- (6) Except for reimbursable expenses related to official city business as provided in Section 5 of this Handbook, employees will be provided reimbursement for meals as set out in this section. Meals that do not include an overnight stay are considered taxable income for the employee. Meal and incidental reimbursement amounts will be determined using the federal per diem schedule for each meal as established by the U.S. General Services Administration at [www.gsa.gov](http://www.gsa.gov). The applicable rates are established and updated by the U.S. General Services Administration on October 1 of each year and are available from the finance director upon request. No receipts are required for per diem meal reimbursement and an employee shall receive meal reimbursements in accordance with the following guidelines:
- a. For out-of-state travel and overnight travel within the state, an employee is responsible for identifying the city of travel and the associated per diem rates for each meal. The per diem amounts include the cost of the meal and tips. No additional amounts shall be reimbursed. An employee shall be reimbursed the per diem amounts for breakfast, lunch, dinner, and incidentals for full days of travel involving overnight stay. An employee shall receive per diem reimbursement for only certain meals on both the first and the last day of travel, depending on the employee's departure and return times. The employee shall use the per diems applicable to the city of primary destination. The city of primary destination is the city the employee is traveling to on days of departure and the city the employee is traveling from on days of return. If

the employee is visiting multiple cities and has stayed overnight within the state, the employee shall select one city to serve as the primary destination for calculation of the per diems for the day.

1. Breakfast will be reimbursed if the employee departs for the travel before 7:30 a.m.
  2. Lunch will be reimbursed when the employee is traveling through 2:00 p.m.
  3. Dinner will be reimbursed if the employee will not return until 7:00 p.m. or later.
- b. The city will not reimburse a meal per diem allowance for any meal that is included in a registration fee for a conference or training, when the employee's meal is covered under a group meal receipt submitted under paragraph (d) of this section, or when a receipt has been submitted for reimbursement as an expense related to official city business as provided in Section 5 of this Handbook. Functions where finger foods or hors d'oeuvres are served in conjunction with the conference or training, and continental breakfasts provided by hotels or conference sponsors do not constitute meals and the employee is entitled to claim the per diem for that meal.
- c. If the employee has attended a conference or training in conjunction with the travel, the employee is required to submit a detailed program agenda for per diem meal reimbursement.
- d. Employees may submit and receive reimbursement for a group meal receipt for more than one employee if the dining establishment is unable or unwilling to provide individual checks, provided that the total cost of the meal does not exceed the total allowable per diems for all of the participating employees. An employee submitting a group meal receipt shall follow the procedures required in Section 5 for reimbursement on an expense report or Use of a City Credit Card Policy in Section 5 when using a city credit card for documentation of the expense and shall additionally state on the receipt that the receipt is for a group meal and the name of each participating employee. Employees covered by a group meal receipt shall not be eligible for per diem reimbursement for that meal.
- (7) The city will reimburse employees for the following expenses relating to parking:
- a. An employee may request reimbursement for parking fees for leaving a vehicle at an airport in conjunction with out-of-state travel on behalf of the city. For airport parking, the employee will only be reimbursed for the rates of long-term parking. If the employee uses short-term parking or valet services, the employee will only be reimbursed for the cost of long-term parking fees applicable at the airport of departure. As an alternative to airport parking, an employee may elect to be reimbursed for the mileage related to being dropped off or picked up at the airport. The employee may be reimbursed the lesser of the mileage between the airport and the employee's residence or the mileage between the airport and the employee's permanent office or workplace. In no event will the amount of mileage reimbursement exceed the amount the employee would have spent on long-term parking.
  - b. An employee will be reimbursed for parking at hotels or overnight lodging accommodations for business-related meetings or in conjunction with business travel for the city. Employees will only be reimbursed for standard hotel parking rates unless the option is not available. Employees electing valet parking will only be reimbursed up to an amount equal to the standard parking rates applicable at the particular hotel.
  - c. All other business-related parking fees are reimbursable upon the submission of a valid receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.

- (8) Employees should evaluate their individual circumstances and select the safest and most economical alternative when traveling to and from all destinations. Employees may be reimbursed for taxis, ride-sharing services, shuttles, public transportation, and rapid transit used for business-related transportation. Employees may be reimbursed for the payment of tips for taxi drivers up to a maximum of 20% of the total fare. The employee will submit a receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.
- (9) When a city employee is required to travel for a business purpose, long distance telephone calls that are infrequent and short in duration are acceptable. When possible, the employee should use a mobile telephone, or a telephone credit card provided by the city rather than incurring long distance telephone charges or charging long distance calls to a hotel room bill.
- (10) The city will not reimburse or pay for the travel of an employee's family member or other guest. When a family member or other guest joins an employee on business-related travel, the employee or the guest is responsible for paying all travel costs, including airfare and meals.
- (11) Except for the travel-related expenses outlined in this policy, all other travel-related expenses are deemed non-reimbursable unless approved in writing by the mayor and the city budget. An employee will submit their travel-related expenses for reimbursement on an Employee Expense Report (HR Form 16) within 15 days after the end of the month in which the travel expenses were incurred as provided in Section 5 of this Handbook.
- (12) In the case of extreme financial hardship, an advance for overnight travel may be granted to an employee by the mayor. The request will be made by the employee in writing with enough time to approve the request and process an advance check. An employee who has received a travel advance must deduct the total amount of the advances from the total reimbursement request when submitting an expense report detailing expenditures. If the amount of the advance exceeds the total reimbursable expenditures, the employee will pay the difference back to the city.

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

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

# Alcohol Reimbursement Policy

No reimbursement will be made for alcoholic beverages.

## Purchasing and Procurement

- (1) When an employee's position requires spending city funds or incurring any reimbursable personal expenses, that individual must use good judgment on the city's behalf to ensure that good value is received for each expenditure. City funds and all assets are for city purposes only and are not for personal benefit.
- (2) Employees authorized to make purchases on behalf of the city must follow the procedures as approved by the mayor and within the limits of the city budget as approved by the council.

## Disposal of City Property

- (1) Before selling or otherwise disposing of any real or personal property, the city shall make a written determination setting forth and fully describing:
  - a. The real or personal property;
  - b. Its intended use at the time of acquisition;
  - c. The reasons why it is in the public interest to dispose of it; and
  - d. The method of disposition to be used.
- (2) Real or personal property may be:
  - a. Transferred, with or without compensation, to another governmental agency;
  - b. Transferred, with or without compensation, for economic development purposes, which shall include but not be limited to real property transfers for the elimination of blight;
  - c. Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
  - d. Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b);
  - e. Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4);
  - f. Traded towards the purchase of the same or similar type of property, if the trade-in value received equals or exceeds the actual fair market value of the property as determined using an independent appraisal as defined in subsection (1) of this section;
  - g. Sold for its appraised fair market value or a greater amount if the property is valued at \$5,000 or less in an independent appraisal. Property sold under this paragraph may not be sold to a city officer or employee or family member of a city officer or employee as defined in the city's ethics ordinance adopted under KRS 65.003;
  - h. Sold for scrap or disposed of as garbage in a manner consistent with the public interest if the property has no value, or is of nominal value as determined by an independent appraisal; or

- i. Sold by the Finance and Administration Cabinet under an agreement with the city.
- (3) If a city receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the city. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.
- (4) Any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the city.

## **Contract Review and Execution**

- (1) All written contracts or contract renewals shall be reviewed by the city attorney or their designee before execution.
- (2) Approval from the mayor in accordance with the city budget and specifications as set by the council is required prior to requesting the city attorney to draft a contract on behalf of the city.
- (3) The city clerk shall provide a copy of the contract or the information necessary for drafting of the contract to the city attorney or their designee as soon as possible to expedite the review or drafting process.
- (4) All contracts made on behalf of the city shall be signed by the mayor.
- (5) A copy of all executed contracts must be provided to the city attorney and the finance director for tracking and filing purposes unless other arrangements have been made.

## **Check Handling by City Employees**

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

## **Invoices and Purchase Orders**

- (1) All invoices received through the mail by the finance director will be routed to the mayor for approval in accordance with the city budget.
- (2) The amount of budgeted expenditures which may be approved by each level of management is as follows:
  - a. Department superintendents with mayoral approval may approve budgeted expenditures up to \$2,000;
  - b. The mayor may approve budgeted expenditures without bidding according to KRS 45A; and
  - c. The mayor approves all budgeted expenditures exceeding the threshold set in KRS 45A that have been properly bid.
- (3) No employee may give final approval for expenditures directly relating to themselves. All such expenses, regardless of the dollar amount, must be approved by the employee's immediate department superintendent or by the mayor.



- (4) Accounts payable checks will be cut weekly. The finance director, or their designee, shall review all check run reports prior to the release of checks. All checks shall require two signatures.
- (5) Invoices received for payment will be paid in accordance with the terms stated on the invoice or by the negotiated agreement/contract.

## **Section 6 – Classification and Compensation**

# Employment Types and Classification

- (1) As used in this Handbook, the terms below shall have the following meanings:
  - a. “Full-time employee” is an employee who is normally scheduled and expected to work a minimum of 35 hours each workweek on a regularly scheduled basis.
  - b. “Part-time employee” is an employee who is normally scheduled and expected to work less than 35 hours in a single workweek, averages less than 100 hours of work in a calendar month for retirement purposes, on a regularly scheduled basis.
  - c. “Temporary employee” is an employee who is hired and works for a definite period of time. Generally, a temporary employee will be employed for a period of one year or less.
  - d. “Seasonal employee” is an employee hired in a position that is temporary in duration, and whose position coincides with a particular season or seasons of the year, and which may recur regularly from year to year. The period of time shall not exceed nine months.
  - e. “Intern” is an individual who works in an internship position approved by the mayor and as outlined in the budget, for one period not to exceed 26 weeks. The position may be paid or unpaid, as designated by the budget and/or pay and classification plan.
- (2) Employees occupying full-time positions will be entitled to benefits provided by the city. All other categories of employment shall not be entitled to benefits except those required by state or federal law unless recommended by the mayor and approved by the council.
- (3) The city designates all employment positions as either “exempt” or “nonexempt” based on applicable federal and state laws and regulations. The classifications are for purposes of determining whether overtime compensation is due to the employee for hours worked in excess of 40 in a single workweek. Classifications of positions are reviewed by the mayor in consultation with the city attorney at the time of position creation or modification and on an annual basis to ensure legal compliance. As used in this Handbook, the terms below shall be accorded the following meanings unless specifically stated otherwise:
  - a. “Nonexempt employee” is an employee in a position whose duties and responsibilities require overtime compensation for any time worked in excess of 40 hours in any workweek pursuant to the Fair Labor Standards Act and Kentucky wage and hour laws. The additional overtime compensation for nonexempt employees is calculated under the city’s Overtime Compensation Policy established in Section 6 of this Handbook.
  - b. An “Exempt employee” is a salaried employee in a position whose duties and responsibilities render the employee exempt from the overtime requirements of the Fair Labor Standards Act and Kentucky wage and hour laws. An exempt employee is not eligible for additional compensation for working in excess of 40 hours in a workweek under the city’s Overtime Compensation Policy established in Section 6 of this Handbook.
  - c. Exempt employees are eligible to accrue compensatory time for hours worked above 40 hours a week, up to a maximum of 240 hours, and up to a maximum of 480 hours for police & fire employees. Any compensatory hours exceeding the maximum 240 hours will be lost. Vacation and sick hours are **not** included in the calculations for compensatory time. Holiday, bereavement, and PTO time will be counted towards accruing Comp Time.
  - d. Request for time off using accrued comp time must be done on a prior approval basis by the submission of the Absentee Report (HR Form 07). The request must have the approval of the employee’s department superintendent and will be scheduled to meet the needs of the employees, the

city, and the public.

- e. Compensatory time will be paid to exempt employees upon separation from the city according to the following:
  - 1. No more than 480 hours for police and fire; and
  - 2. No more than 240 hours for all other exempt employees

## **Fiscal Year**

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

## **Official Workweek**

- (1) The official workweek for each department shall begin at 12:00 a.m. on Sunday and end at 11:59 p.m. on Saturday.
- (2) The official workweek may be changed at any time, but not to avoid overtime requirements.

## **Overtime**

- (1) "Overtime" means any time worked by a nonexempt employee in excess of 40 hours in any single workweek. In addition, if a nonexempt employee works seven days in any one workweek and works over 40 hours in those seven days, all hours worked on the seventh day are at time-and-a-half. For purposes of this section, workweek is defined in this Handbook.
- (2) For all nonexempt employees except for firefighters, holiday hours as well as vacation, sick, and personal leave hours are not included in the calculations for overtime purposes. For all firefighters, holiday hours are not included in the calculations for overtime purposes.
- (3) The city is required under the Fair Labor Standards Act and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than 40 hours in a single workweek. Overtime wages shall be calculated at a rate of one-and-one-half times the employee's regular hourly rate of pay. A salaried employee's regular hourly rate of pay will be calculated by dividing the annual salary by the annual hours (annual hours = 40 hours per week x 52 weeks = 2080 hours per year).
- (4) A nonexempt employee must be authorized orally or in writing by the employee's immediate department superintendent prior to the employee's performance of any work that would result in overtime. The employee shall verify that their time record accurately reflects any overtime worked as required in Section 6 of this Handbook. Any employee who works overtime without prior authorization or fails to properly report overtime work shall be subject to disciplinary action.
- (5) The city and the employee's immediate department superintendent or department director may require any nonexempt employee to take time off during any workweek that the employee has worked or will work more than 40 hours in order to minimize overtime costs. The employee may have the option depending on circumstances.
- (6) Exempt employees are not eligible for overtime compensation.

# Compensatory Time

- (1) Nonexempt city employees are not eligible to receive compensatory time off (comp time) instead of overtime pay for overtime hours worked.
- (2) Compensatory time cannot be used to extend the termination/resignation date. The employees last day actually worked is the date of termination/resignation.
- (3) Exempt employees are eligible to accrue compensatory time for hours worked above 40 hours a week, up to a maximum of 240 hours. Any hours exceeding the maximum 240 hours will be lost. Vacation and Sick hours are not included in the calculations for comp time. Holidays, Bereavement, and PTO Time will be included in the calculations for comp time.
  - a. All comp time off is given at the rate of one hour for each hour worked over 40 hours.
  - b. Requests for time off using accrued comp time must be done on a prior approval basis, by the submission of the Absentee Report (HR Form 07). The request must have the approval of the employee's department superintendent and will be scheduled to meet the needs of the employees, the city, and the public.
  - c. Compensatory time will be paid to exempt employees upon separation from the city according to the following:
    1. No more than 480 hours for police and fire employees.
    2. No more than 240 hours for all other employees.

# Work Performed by Nonexempt Employees Outside of Normal Working Hours

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

## On-Call Employees

- (1) As a condition of employment, employees shall agree to report within a reasonable period if requested to do so during a period of emergency. If an employee is called to report to work either after normal working hours or before normal working hours, the employee shall be paid at the regular rate of pay for actual time worked. Actual hours worked will be included in calculations for overtime.
- (2) Employees assigned to a standby shift will be paid according to the following guidelines:
  - a. Employees are paid two hours for each weekday they are on standby.
  - b. Employees are paid eight hours for each weekend day or observed holiday they are on standby.
  - c. Airport employees will only qualify for 2 hours stand-by time on weekends.
  - d. Only actual hours worked shall be included in the calculations for overtime.
  - e. Employees shall document actual hours worked on their time record.
- (3) Employees who are on call must adhere to all city policies, including the Vehicle Use Policy and the Drug- and-Alcohol Free Workplace Policy.

## Base Salary and Salary Adjustment

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

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

## Payroll Deductions

- (1) The city will make all legally required deductions from an employee's gross pay in accordance with applicable legal requirements, including:
  - a. Federal and state income taxes;
  - b. Social Security (FICA) taxes; and
  - c. Deductions required by wage garnishment or child support orders.
- (2) The city may also deduct from an employee's pay their portion of insurance premiums and CERS

contribution.

- (3) Employees may request voluntary deductions be made from their gross pay, such as contributions to optional retirement plans. The employee shall obtain the appropriate form to request voluntary deductions from the human resources department.
- (4) When the city must rely on information provided by the employee in order to make any legally required deduction, it is the sole responsibility of the employee to provide accurate and timely information to the city.
- (5) In accordance with the Fair Labor Standards Act, the city prohibits improper deductions from the pay of exempt employees and will reimburse employees for any improper deduction. When an exempt employee has exhausted all paid leave, the city may deduct for absences of one or more full days for leave related to sickness, disability, unpaid disciplinary suspensions, or for other personal reasons. In addition, the city may make either full- or partial-day deductions from the pay of an exempt employee during the first or the last week of employment when only part of the week is worked by the employee, or for any unpaid leave taken in accordance with a legitimate absence under FMLA. Any exempt employee who believes that an improper pay deduction has been made shall immediately file a written complaint with the human resources director setting forth the dates, amounts, reasons, and any other information for the pay deduction. The human resources director along with the mayor shall take immediate action to investigate the issue, and if found to be an improper deduction, shall cause the employee to be compensated for the improper deduction within two pay periods from the date the written complaint was filed.
- (6) All deductions from an employee's pay will be listed on their pay stub. If they have questions about any deductions from their pay or if they believe improper deductions have been made from their pay, they must immediately report their concerns to the human resources director.

## Direct Deposit

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

## Time Records

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

# Unemployment Compensation Insurance

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



## **Section 7 – Health, Retirement, and Other Benefits**

# Health Insurance

- (1) All full-time employees and other employees qualifying under the Affordable Care Act are eligible for group health insurance for themselves and their dependents. Dependents are defined in the Certificate of Coverage. The effective date of coverage will be the first day of the month following the first day of employment.
- (2) The city may provide coverage for employees and their dependents up to a maximum amount, as determined by the city and reflected in the annual budget. Specific information regarding health insurance plans available to employees should be obtained from the human resources department.
- (3) The city complies with federal regulations under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and any additional amendments designed to provide employees and eligible dependents with the opportunity to continue health insurance coverage at group rates where the coverage would otherwise cease, such as upon termination of employment, death of the employee, divorce, or a child ceases to be a qualified beneficiary. The premium for this continuation coverage shall be the sole responsibility of the employee or dependent, unless otherwise provided for by law. Coverage is not automatic and employees and/or their eligible dependents must make an affirmative election before coverage will begin. More detailed information regarding the continuation of health insurance coverage under COBRA may be obtained by going to the U.S. Department of Labor website at <https://www.dol.gov/general/topic/health-plans/cobra>.

# Dental Insurance

All full-time employees may be eligible for optional dental insurance for themselves and their dependents beginning on the first day of the month following the first day of employment. The employee may elect optional coverage if the employee pays the cost for coverage. Specific information about the city's dental insurance plan is available from the human resources department.

# Vision Insurance

All full-time employees may be eligible for vision insurance for themselves and their dependents beginning on the first day of the month following the first day of employment. The employee may elect optional coverage if the employee pays the cost for coverage. Specific information about the city's vision insurance plan is available from the human resources department.

# Life and AD&D Insurance

All full-time employees may be provided life insurance and accidental death and dismemberment (AD&D) insurance coverage for the duration of employment. Life and AD&D insurance, if provided, will be effective on the first day of the month following the first day of employment.

# Other Optional Benefits

- (1) All full-time employees may participate in other optional benefit plans. Participation in these benefits is voluntary and the cost of the premium shall be paid by the employee. Benefits are subject to change, but may include:
  - a. Flexible Spending Account
  - b. Accident Insurance
  - c. Ground and Air Emergent Care
  - d. Cancer Insurance
  - e. Critical Illness Insurance
  - f. Short- and Long-Term Disability
  - g. Voluntary Life Insurance
- (2) Specific information about all optional benefits plans is available from the human resources department.

# Employee Assistance Program

- (1) The city will provide confidential and voluntary assistance through its Employee Assistance Program (EAP) to all employees and their family members who may be faced with dynamic challenges of financial concerns, legal issues, alcohol or drug problems, relationship problems, illness of a family member, emotional worries, childcare problems, etc. For the welfare of the employees as well as effective business operations, the city encourages its employees to take advantage of this valuable benefit of employment with the city.
- (2) Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends. To access the EAP, employees may contact Owensboro Health at (270) 688-4162.
- (3) EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility, or other professional that would be appropriate to assist in resolving the problem or situation. Where an employee may be in need of information, a referral or suggestion may be given over the telephone. There is no initial charge for employees or their families to use the EAP.
- (4) The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage and their ability to pay. Any time needed for illness-related appointments made by the EAP requires use of sick, vacation or personal time on the same basis that it is granted for other health issues.
- (5) When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems during the workday, the department superintendent may counsel the employee in consultation with the human resources department or their designee with an end toward resolving the situation. If the employee appears to be unwilling or unable to correct the situation, the employee may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where

continued employment with the city may be contingent upon the employee calling the EAP for assistance.

- (6) Participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following the city policies and procedures or meeting required standards for satisfactory job performance except where specific accommodations are required by law.
- (7) All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether the employee has contacted the EAP, and if ongoing treatment is necessary, that the employee is following through on the treatment.

## Workers' Compensation

- (1) The city pays the entire amount of the workers' compensation insurance premium that provides benefits to employees who experience injury or illness in connection with employment. Eligibility begins on the first day of employment. Workers' compensation benefit entitlements are governed by KRS Chapter 342. If employees have questions concerning their rights or benefit amounts, they should contact the human resources department.
- (2) Unless extenuating circumstances make it impossible or impractical, an employee who is injured or becomes ill in connection with employment, regardless of the severity of the injury, shall immediately notify their department superintendent, safety department, and the HR Director, who will see to necessary medical attention and assist in the completion of any required reports. In any case of serious injury, employees are required to receive prompt medical attention by a physician authorized under the city's designated workers' compensation plan.
- (3) Except in the case of serious illness or injury, an employee may also call the "Company Nurse" on the Injury Hotline at **855-339-1889**. More information on this program can be found in Section 3, Reporting Work-Related Accidents Policy.
- (4) Vacation leave benefits will continue to accrue while on workers' compensation leave for a period of three months.
- (5) Sick leave benefits will not continue to accrue while on workers' compensation leave.
- (6) For periods of three or more days see the Family and Medical Leave Policy within Section 8 of this Handbook.
- (7) If the city has reasonable suspicion that the employee's use of drug or alcohol may have been a factor in an injury while the employee is working for the city, the employee will be subject to the post-accident drug testing policy found within the city's Drug- and Alcohol-Free Workplace Policy in Section 3 of this Handbook.

## Return-to-Work Program

- (1) It is the policy of the city, when possible, to modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury. Note: This policy should not be construed as recognition that an employee has a disability as defined by the Americans with Disabilities Act (ADA) of 1990 and its Amendments.
- (2) This policy applies to all city employees.

- (3) Definitions:
- a. Return-to-Work (RTW) (modified-duty) position is a temporary position to which an employee is assigned when they are unable to return to their regular position following an on-the-job injury or illness. The return-to-work position temporarily addresses the restrictions placed on an individual by an evaluating physician.
  - b. Employment-related injury is an injury or occupational disease, which arises out of the course and scope of employment and is a compensable injury or illness, as defined under the Kentucky Workers' Compensation Act.
  - c. Physician in this policy means a Doctor of Medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the Kentucky Workers' Compensation Act.
- (4) It is the responsibility of the injured employee to inform the evaluating physician of the employer's early Return-to-Work Program; adhere to the assigned restrictions/limitations for the specified period of time; maintain a positive attitude toward working within physical restrictions/limitations; and continue to seek and follow appropriate medical care throughout the recovery period.
- (5) It is the responsibility of the employer to review and evaluate work alternatives for a temporary specified period of time as established by the evaluating physician; to evaluate job description and modify requirements within the position to accommodate the employee to the assigned restrictions; to monitor the injured employee to ensure work performed is within the assigned restrictions; and to continue to review and adjust job assignments as medical condition improves and restrictions change until the final goal of either release to full duty or maximum medical improvement is achieved.
- (6) It is the responsibility of the evaluating physician to assign specific temporary restrictions for a specified period of time; to review and adjust assigned restrictions at each evaluation; and to maintain beneficial and appropriate medical care and treatment with the goal of moving the injured worker to full duty release or maximum medical improvement.
- (7) It is the responsibility of the claims adjuster to obtain specific temporary restrictions/limitations for a specified period of time from the evaluating physician after each evaluation; communicate verbal and written restrictions to the designated employer contact; and work effectively with the injured employee, employer, and physician to reach the goal of returning the employee to gainful employment.
- (8) To be eligible for participation in the Return-to-Work Program, an employee must provide a written statement from the designated treating physician that they are:
- a. Temporarily unable to perform their essential duties, following an employment-related injury or illness; and
  - b. Capable of carrying out work of a lighter or modified nature from their regular duties and is expected to return to their regular duties within 90 calendar days.
- (9) Once notified of an on-the-job injury or illness, and the injury has been reported to the employer's workers' compensation carrier, the employer will inform the employee in writing of the Return-to-Work Program.
- (10) The employee must be seen and evaluated by a physician to determine if the employee is able to return to work, and if so, with or without restrictions.

- (11) At the time of the evaluation, the employee must inform the physician of the Return-to-Work Program and provide them with a copy of the employee's regular job description that identifies the essential functions of the job and its requirements.
- (12) When the employee is able to return to work with restrictions, the employee's physician must complete a report, indicating the specific restrictions and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the treating physician.
- (13) Taking into consideration the information provided by the physician, the employee's department superintendent, in consultation with the mayor, city administrator, and human resources department will determine if a temporary modified-duty assignment can be offered. It should be understood that there may be instances in which the city will not be able to offer a modified-duty assignment.
- (14) If the employee's regular department is unable to meet the employee's need for the modified duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a modified-duty position in a different department which has been able to meet the employee's need for modified duty.
- (15) The employer should use one of the two following compensation arrangements:
  - a. There will be no adjustment in the employee's normal compensation. The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department.
  - b. In most cases, there will not be an adjustment in the compensation of the employee that is placed in a modified-duty position. However, the employee placed in a modified-duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. If that salary is less than their normal salary, then they will be paid at least what the maximum weekly benefit would be for their regular salary as defined by the Kentucky Workers' Compensation Act.
- (16) Once the employee has been approved to participate in the Return-to-Work Program, the department must provide a return-to-work letter. This letter will include:
  - a. The position offered;
  - b. The location and duties of the position offered;
  - c. The wages and schedule of the position offered;
  - d. The duration of the temporary work assignment; and
  - e. A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.
- (17) An employee may choose to accept or refuse the return-to-work offer. Rejection of the job could result in suspension of income benefits under workers' compensation insurance.
- (18) Employees do not waive any rights to workers' compensation benefits by participating in the Return-to-Work Program. Employees participating in the Return-to-Work Program will continue to be covered by the Workers' Compensation Act for reasonable and necessary medical expenses and disability benefits related to the injury or illness.
- (19) The maximum length of a return-to-work with modified-duty offer will be 90 calendar days. The duration of approved time will be based upon the information provided by the employee's designated treating physician.

- (20) An employee who is unable to return to their regularly assigned duties at the end of the modified-duty assignment and remains with temporary restrictions which will prevent them from returning to their preinjury positions, will begin to receive temporary total disability benefits through the workers' compensation program. If the restrictions are permanent and will not allow the employee to return to their preinjury position, then they can request a leave of absence, or the employer can address termination.
- (21) Employees may be required to attend an independent medical exam (IME) to clarify the continued restrictions or until they reach maximum medical improvement (MMI), and permanent restrictions are assigned and determined by the treating physician.
- (22) Provided the employee has exhausted any entitlement under the Family and Medical Leave Act (FMLA), the department has the option to approve or deny the leave of absence request. If leave without pay is denied, pursuant to the city's Unpaid Leave Policy, employment with the city will be terminated.
- (23) If the employee believes that the condition is permanent, progressive, or chronic, they may pursue the Americans with Disabilities Act Accommodation Policy, in Section 1 of this Handbook, to determine if they are a qualified individual with a disability.

## Retirement Plan and Social Security

- (1) Employees who work in a regular full-time position must be enrolled in the Kentucky Retirement Systems. City employees are covered under the County Employees Retirement System (CERS) portion of the plan. Regular part-time employees must also be covered if they average 100 or more hours of work per month over a calendar or fiscal year, including employees who work a total of more than 100 hours per month in two or more positions with employers under the same retirement system.
- (2) The retirement plan is a qualified public defined benefit plan and was established under Section 401a of the Internal Revenue Code (IRC). A defined benefit plan pays benefits based upon a formula, rather than on an account balance. The formula used to compute CERS benefits provides participating members with a guaranteed lifetime payment at retirement based on beginning participation date, the number of years of service, their average salary, and a multiplying factor.
- (3) Employees and the city contribute to the plan. The percentage of contribution may change annually and is based on hazardous and nonhazardous positions. The contribution amount is set by the Commonwealth of Kentucky. For more information about the Kentucky Retirement Systems contact the human resources department or the retirement systems via their website, <https://kyret.ky.gov> or by phone at 800-928-4646.
- (4) Pursuant to KRS 61.592(1)(a), "Hazardous Position" for participating KERS employees, as well as CERS employees who began participating before September 1, 2008, means:

Any position whose principal duties involve active law enforcement, including the positions of probation and parole officer and Commonwealth detective, active fire suppression or prevention, or other positions with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning; **and** positions in the Department of Corrections in state correctional institutions, and the Kentucky Correctional Psychiatric Center with duties that regularly and routinely require face-to-face contact with inmates.
- (5) Pursuant to KRS 61.592(1)(b) a "Hazardous Position" for a participating employee who began participating in CERS, as well as KERS, on or after September 1, 2008, means:

Police officers and firefighters as defined in KRS 61.315(1); paramedics; correctional officers with duties that routinely and regularly require face-to-face contact with inmates; and emergency medical technicians if the employee's duties require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning, and the employee's duties are not primarily clerical or administrative.

- (6) The city participates in the federal social security program and will contribute a percentage of salary, to the extent required by law, to the Social Security Administration for each employee.

## Employee Education Reimbursement

- (1) Subject to the constraints of the annual budget, the city will endeavor to make individualized opportunities available to its employees for further development of specific skills and expertise deemed of mutual benefit to the employee and the city. The continuing education assistance provided under this policy is intended to support the pursuit of a formal degree and to supplement employee development provided through seminars, workshops, conferences, and similar activities that are paid for by the city under the Professional Memberships, Training, Licensing, and Certification Policy within this section.
- (2) All full-time employees who have completed at least one year of continuous employment with the city may be eligible to receive continuing education assistance reimbursements up to a maximum of \$1,500 per fiscal year for tuition and instructional materials for approved educational activities.
- (3) All education and training courses for which reimbursement is requested must relate directly to the employee's current job functions and responsibilities, or to job functions and responsibilities within the city that the employee, in the view of management, will likely have the opportunity to undertake in the foreseeable future.
- (4) Continuing education assistance funding shall be available only on a reimbursement basis, and only to the extent authorized in the city's annual budget. Reimbursement will be made in accordance with the following schedule if the employee successfully completes the approved educational activity:
  - a. A 100% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "A" in undergraduate or equivalent coursework or the letter grade of "A" or "B" in graduate-level coursework. Further, 100% reimbursement is granted for preapproved educational coursework where the class is graded on a pass/fail basis and the employee achieves a passing mark.
  - b. An 85% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "B" in undergraduate or equivalent coursework.
  - c. A 70% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "C" in graduate-level coursework.
  - d. A 50% reimbursement will be granted for preapproved educational courses where the employee receives a letter grade of "C" in undergraduate or equivalent coursework.
- (5) In the event that continuing education assistance funding for an individual employee exceeds \$500 in any fiscal year, the employee may be asked to enter into a contract with the city for repayment of the funding provided in the event the employee terminates employment with the city within a specified time after completion of the coursework.
- (6) All requests for funding shall be submitted, in writing, to the employee's immediate department superintendent. The request must include specific details of the proposed activity, cost, duration, and an



assessment of the potential benefit to the employee and the city. All requests for funding shall be made no later than 30 days before the beginning of the requested activity. Exceptions may be made to the 30-day period for coursework where the total cost does not exceed \$300.

- (7) Department superintendents shall be responsible for reviewing the request, discussing it with the employee, and forwarding the request, along with the department superintendent's recommendation, to the human resources department for final approval by the mayor and the council if not included in the city budget. Final decisions regarding continuing education assistance funding shall be made based on the relevance of the activity to the employee's job functions and responsibilities, the employee's workload, equity among staff members, seniority, budget constraints, and other factors that are deemed appropriate under the circumstances. Department superintendents should consider these factors in making recommendations to the human resources department regarding the request.
- (8) Within 60 days of the completion of an educational or training activity for which reimbursement is sought, the employee shall submit the transcript or other official documentation of grades achieved (if the activity is graded) and any other evidence of successful completion of the activity. The department superintendent shall forward the report to the human resources department with any pertinent comments and recommendations regarding reimbursement and the human resources department shall forward to the mayor for final approval.
- (9) Approval in one fiscal year does not guarantee that an employee will be approved again in any subsequent year nor shall approval for or successful completion of an educational activity under this policy be interpreted or relied upon by the employee as any type of promise or guarantee regarding compensation or advancement.

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

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

## **Section 8 – Paid and Unpaid Leaves**

# Holidays

- (1) All full-time city employees shall receive paid leave for the following holidays:
  - a. New Year's Day
  - b. Martin Luther King Day
  - c. President's Day
  - d. Memorial Day
  - e. Juneteenth
  - f. Independence Day
  - g. Labor Day
  - h. Veterans Day
  - i. Thanksgiving Day
  - j. The Day After Thanksgiving
  - k. Christmas Eve
  - l. Christmas Day
- (2) Unless otherwise designated by the council, paid holidays will be observed on the date of their actual occurrence. If the holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday will be observed on the following Monday.
- (3) A full-time employee who is required to work on the observed holiday will be paid for all hours worked at the regular rate of pay in addition to holiday pay in the amount of eight hours; except firefighters that work a 24-hour shift receive 12 hours; and police officers that work eight hours receive eight hours, 10 hours receive 10 hours and 12 hours receive 12 hours.
- (4) Part-Time, Seasonal, Temps, and Interns do not qualify for Holiday Pay.

# Vacation Leave

- (1) All full-time employees shall receive paid vacation leave. Part-time employees, temporary employees, seasonal employees, and intern employees shall not be eligible for paid vacation leave. Vacation leave shall be granted to an employee each calendar year on the following basis:
  - a. Employees who work 40 hours per week shall earn 80 hours of vacation time - Year One (1) through Year Five (5); 120 hours Year Six (6) through Year Ten (10); 160 hours Year Eleven (11) through Year Twenty-Four (24); and 200 hours - Year Twenty-Five (25) and beyond through employment end date. (Must be continuous employment.)
  - b. Fire department employees who work an average of 56 hours per week shall earn 120 hours of vacation time-Year One (1) through Year Five (5); 144 hours - Year Six (6) through Year Ten (10); 192 hours - Year Eleven (11) through Year Twenty-Four (24); and 240 hours - beginning with Year twenty-five (25) through employment end date. (Must be continuous employment.)

- (2) All Employees **hired before January 1, 2020** will have vacation hours credited “dumped” to their account January 1<sup>st</sup> of each year following their anniversary year based upon years of continuous service. (See Table 1)

<b>TABLE 1</b>			
<b>ALL EMPLOYEES HIRED <u>BEFORE</u> JANUARY 1, 2020</b>			
<b>- will receive the following full weeks of vacation on January 1<sup>st</sup> of each year -</b>			
<b>40 Hour Employee -</b>			
January 1 <sup>st</sup> (Years 1-5)	January 1 <sup>st</sup> (following 5 <sup>th</sup> anniversary date)	January 1 <sup>st</sup> (following 10 <sup>th</sup> anniversary date)	January 1 <sup>st</sup> (following 24 <sup>th</sup> anniversary date)
80 hours	120 hours	160 hours	200 hours
<b>Fire Department Employee -</b>			
January 1 <sup>st</sup> (Years 1-5)	January 1 <sup>st</sup> (following 5 <sup>th</sup> anniversary date)	January 1 <sup>st</sup> (following 10 <sup>th</sup> anniversary date)	January 1 <sup>st</sup> (following 10 <sup>th</sup> anniversary date)
120 hours	144 hours	192 hours	240 hours

- (3) All Employees **hired on or after January 1, 2020**, will accrue vacation leave time on the 1<sup>st</sup> day of each month following the date of hire. Vacation leave time will continue to accrue each month based upon years of continuous service. (See Table 2A)

<b>TABLE 2A</b>				
<b>ALL EMPLOYEES HIRED <u>ON or AFTER</u> JANUARY 1, 2020</b>				
<b>- will accrue vacation leave time on the 1<sup>st</sup> day of each month following the date of hire, based upon years of continuous service -</b>				
<b>40 Hour Employee -</b>	<b>Years 0 – 5</b>	<b>Years 6 – 10</b>	<b>Years 11 – 24</b>	<b>Years 25+</b>
	6.67 hrs. per month	10hrs. per month	13.33 hrs. per month	16.67 hrs. per month
	80 hrs. per year	120 hrs. per year	160 hrs. per year	200 hrs. per year
<b>Fire Department Employee -</b>	<b>Years 0 -5</b>	<b>Years 6 – 10</b>	<b>Years 11 – 24</b>	<b>Years 25+</b>
	10 hrs. per month	12 hrs. per month	16 hrs. per month	20 hrs. per month
	120 hrs. per year	144 hrs. per year	192 hrs. per year	240 hrs. per month

- (4) **Example Accrual Chart** for All Employees **hired on or after January 1, 2020**. (See Table 2B)

<b>TABLE 2B – EXAMPLE ACCRUAL</b>			
<b>ALL EMPLOYEES HIRED <u>ON or AFTER</u> JANUARY 1, 2020</b>			
<b>EXAMPLE: 40 Hour Employee (with date of hire of 02/15/20)</b>			
Earn <b>6.67 hours</b> monthly, beginning 03/01/20, & continue through -	Earn <b>10 hours</b> monthly, beginning 03/01/25 & continue through -	Earn <b>13.33 hours</b> monthly, beginning 03/01/30 & continue through -	Earn 16.67 hrs. monthly, beginning 03/01/43, & continue through -
02/01/25	02/01/30	02/01/43	Employment End Date
<b>EXAMPLE: Fire Department Employee (with date of hire of 02/15/20)</b>			
Earn <b>10 hours</b> monthly, beginning 03/01/20, and continue through -	Earn <b>12 hours</b> monthly, beginning 03/01/25, and continue through -	Earn <b>16 hours</b> monthly, beginning 03/01/30, and continue through -	Earn <b>20 hours</b> monthly, beginning 03/01/43, and continue through -
02/01/25	02/01/30	02/01/43	Employment End Date

- (5) An employee shall receive advance approval from their immediate department superintendent prior to the use of any vacation leave time by the submission of an Absentee Report (HR Form 07) in accordance with Section 8 of this Handbook. Requests for use of vacation leave time should be made as soon as possible to ensure minimum disruption to the departments and the organization’s work schedule and workflow. Members of the Emergency Services Team (fire department, police department, and Central Dispatch) shall follow their department SOP for any time off requests).
- (6) Employees, other than fire department and police department employees assigned to 56-hour workweeks, may carry over a maximum of 40 hours of accrued and unused vacation leave time to the next calendar year. Fire department employees assigned to 56-hour workweeks, may carry over a maximum of 72 hours of accrued and unused vacation leave time to the next calendar year.
- (7) Upon termination of employment, an employee shall be paid for any vested but unused vacation leave time subject to the following:
- a. A full-time employee shall receive up to a maximum of 240 hours.
  - b. A full-time fire department employee who works an average of 56 hours per week shall receive up to a maximum of 285.
  - c. All employees shall be compensated at the regular hourly rate earned by the employee at the time of the separation. The applicable hourly rate for both exempt and nonexempt employees shall be calculated as provided in Section 6 of this Handbook.

- d. Compensatory times cannot be used to extend the termination/resignation date. The employee's last day actually worked is the date of termination/resignation.

## Personal Leave Time

- (1) A full-time employee shall receive two paid personal leave days each year, which may be used by the employee for any purpose, for example birthdays or mental health days. A full-time employee that begins work with the city before June 30th will earn two personal time off (PTO) days to be used by December 31 each year. A full-time employee that begins work with the city between June 30 - September 30 will receive one PTO day to be used by December 31 of that year. A full-time employee that begins work with the city after October 1 will not earn any PTO days until the following year.
- (2) An employee shall receive advance approval from their immediate supervisor prior to the use of any personal leave time by the submission of an Absentee Request (HR Form 07) in accordance with Section 8 of this Handbook. Requests for use of personal leave time should be made as soon as possible to ensure minimum disruption to the departments and the organization's work schedule and workflow.
- (3) An employee shall not receive compensation for any unused personal leave time upon separation from employment. PTO cannot be used to extend the termination/resignation date. The employee's last day actually worked is the date of termination/resignation.

## Sick Leave

- (1) All full-time employees shall receive paid sick leave each calendar year on the following basis:
  - a. A full-time employee who works 35 hours per week shall receive eight hours per month, or 96 hours per year.
  - b. A full-time employee who works an average of 56 hours per week shall receive 12 hours per month, or 144 hours per year.
- (2) Part-time employees, temporary employees, and interns shall not be eligible for paid sick leave.
- (3) New full-time employees will begin to accrue Sick Leave Time on the 1<sup>st</sup> day of the month following the month of hire.
- (4) Full-time employees will earn sick leave on the 1<sup>st</sup> day of each month.
- (5) An employee may use sick leave for any one of the following reasons:
  - a. To avoid jeopardizing the health of other employees; or
  - b. Illness, disability, medical condition, or a medical or dental appointment of the employee or a member of the employee's immediate family necessitating the employee's presence. "Immediate family" shall mean the employee's spouse, child, mother, father, or other permanent members of the employee's household who are listed as legal dependents.
- (6) An employee using sick leave time shall notify their department superintendent as soon as possible, but

at least 30 minutes before the start of the shift, of the need to use sick leave. For periods of leave longer than one full day, the employee shall notify their department superintendent of each separate day that leave will be used unless prior arrangements have been made. For periods of three or more days see the Family and Medical Leave Act Policy within this section.

- (7) Whenever an employee uses sick leave time, the employee shall submit an Absentee Report (HR Form 07) in accordance with Section 8 of this Handbook. When possible, the employee shall submit the Absentee Report Form in advance of the leave. Otherwise, the employee shall submit the Absentee Report Form immediately upon return to work.
- (8) Notwithstanding the requirements for FMLA leave, a medical certification or physician's statement will generally not be required to return to work after the use of sick leave. However, an employee's department superintendent may require medical certification or a physician's statement when there is a reasonable basis to believe the Sick Leave Policy is being abused to certify that the employee can perform the essential functions of the job without risking the safety of themselves or others, or the employee's length of absence exceeds three full workdays.
- (9) An employee, other than firefighters assigned to 56-hour workweeks, may carry over a maximum of 960 hours of unused sick leave time to the next calendar year. Firefighters assigned to 24-hour shifts may carry over a maximum of 1,440 hours of unused sick leave time to the next calendar year.
- (10) Sick time cannot be used to extend the termination/resignation date. The employee's last day actually worked is the date of termination/resignation."

## Sick Time Donation

Employee can donate up to a maximum of 40 hours of sick time to another employee, only if the employee who is receiving the sick hours has exhausted all other sick hours, personal time, vacation time, and comp time (if applicable). Both the donating employee and the receiving employee must sign an acknowledgment form. All donations are contingent upon approval of mayor. Firefighters may donate up to 72 hours of sick time.

## Sick Leave Pool

- (1) In some situations, a city employee may experience a serious health condition which renders the employee unable to perform the essential functions of their job. These situations may require employees to be absent from work for extended periods of time, causing them to exhaust all paid leave balances. Voluntary participation in the city's Sick Leave Pool Policy provides an opportunity for employees who exhaust paid leave balances for certain FMLA-qualifying health conditions to receive additional paid leave time. Employees participating and qualifying for Sick Leave Pool time will be eligible to receive their normal rate of pay.
- (2) Any employee who has completed at least one year of continuous full-time employment with the city and currently has at least 84 hours of sick leave shall be eligible to participate in the Sick Leave Pool Program. Any eligible employee who wishes to participate in the Sick Leave Pool Program shall sign and submit a Sick Leave Pool Registration (HR Form 09).
  - a. By voluntarily participating in the Sick Leave Pool, the employee agrees to an initial donation at enrollment of 16 hours of sick leave time to the Sick Leave Bank. Firefighters' initial donation is 48 hours of sick leave and police is 24 hours.
  - b. Annually participation will require an additional eight-hour donation (Fire Fighters

24 hrs. and Police 12hrs.) after the initial enrollment/eligibility was met.

- c. By voluntarily participating in the Sick Leave Bank, the employee agrees to an emergency assessment of eight hours sick leave time against their accrued sick leave balances in the event that the Sick Leave Pool balance falls below an amount as determined by the city.
- (3) An employee who wishes to terminate their participation in the Sick Leave Pool Program shall submit a written notice of termination to the human resources department at any time. The employee's termination from the program shall become effective upon acceptance by the human resources department. The employee shall forfeit any previous donations and assessed time and shall not avoid any applicable assessments made during the open enrollment period in which the notice of termination is made.
  - (4) A participating employee shall be eligible to receive time from the Sick Leave Pool under the following circumstances:
    - a. The employee has exhausted all paid leave, including compensatory, sick, and vacation.
    - b. The employee is experiencing a serious health condition as defined by FMLA. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. In addition, an employee who is absent from work due to a job-related injury covered by worker's compensation or is receiving payments under the city's long-term disability plan will not be eligible for Sick Leave Pool time during any portion of leave where the employee is receiving such payments.
    - c. The employee does not have a documented history of abusing the city's Sick Leave Policy in the previous 24 months.
  - (5) An eligible employee may receive paid leave time from the Sick Leave Pool for a maximum of 160 hours for a single request and up to 12 weeks during a 12-month period.
  - (6) A participating employee wishing to use Sick Leave Pool time shall make a request to the human resources department by submitting an application for Use of Sick Leave Pool (HR Form 10) as soon as possible prior to the use of any Sick Leave Pool time. Participating employees unable to communicate with the human resources department because of the nature of their illness may designate a representative to act on their behalf during the period in which they are medically unable to communicate. The human resources department and the employee's immediate department superintendent may request additional documentation and certification to confirm that the serious health condition qualifies under this policy. The human resources department and the employee's immediate department superintendent will ensure that all criteria of this policy are met before submitting the application for Sick Leave Pool time for final approval. The HR director and/or HR manager in collaboration with the deputy city administrator and city administrator will evaluate requests for Sick Leave Pool time to ensure that the requests meet eligibility criteria and shall approve eligible applications. Nothing in this policy shall prohibit the city from granting the time incrementally and requesting continuing documentation and certification of the employee's serious health condition.
  - (7) Employees are limited to a maximum of 12 weeks use of Sick Leave Pool time. Once the initial 12 weeks has been exhausted, the employee may be evaluated for reentry. A balance of 84 hours sick time and another contribution of 16 hours will be required to re-participate.

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



- (1) The city is subject to the Family and Medical Leave Act of 1993 (FMLA) and its amendments. In order to be eligible for FMLA leave, the employee must meet the following criteria:
  - a. The employee must have been employed by the city for at least 12 months unless the break in service is due to an employee's fulfillment of military obligations; and
  - b. The employee must have worked at least 1,250 hours during the 12-month period immediately preceding FMLA leave. Any hour's employees would have worked but for time spent in the military reserves or National Guard shall be considered part of the 1,250 required hours.
- (2) Qualifying employees are eligible to take up to a maximum of 12 weeks of job-protected leave from the city in any rolling calendar year. A rolling calendar year consists of any 12-month period measured backward from the start date of the requested leave. The leave may be paid, unpaid, or a combination of both, depending upon the employee's leave balances. Employees are entitled to 12 weeks of leave for the following reasons:
  - a. The birth or adoption of a child or placement of a child with the employee for foster care. The leave must be taken in the 12 months immediately following the birth, adoption, or placement of the child.
  - b. To care for the employee's spouse, child, or parent who has a serious health condition.
    1. For purposes of this FMLA section, spouse, as defined in the statute, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into, or in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.
    2. This definition includes an individual in a same-sex or common law marriage that either:
      - (a) Was entered into in a state that recognizes such marriages; or
      - (b) If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
  - c. A serious health condition which renders the employee unable to perform the functions of their position.
  - d. To allow an employee to deal with a "qualifying exigency" relating to the military deployment of a spouse, child, or parent. A qualifying exigency includes:
    1. Short-notice deployment.
    2. Military events and related activities.
    3. Childcare and school activities.
    4. Financial and legal arrangements.
    5. Counseling.
    6. Rest and recuperation.
    7. Post-deployment activities.
    8. Additional activities arising from the military duty, provided that the employer and

employee agree that such leave shall qualify as an exigency and agree to the timing and duration of such leave.

- e. Spouses, as defined by FMLA, who both work for the city and wish to take leave for the birth of a child and bonding with a newborn child, adoption, or placement of a child in foster care and bonding with the newly placed child, or to care for a parent with a serious health condition may only take a combined total of 12 weeks of leave.
- (3) Employees are entitled to 26 weeks of leave within a 12-month period to take care of an injured service member, who is their nearest blood relative. This also extends to include family members of veterans who were members of the Armed Forces (including the National Guard or Reserves) at any point in time within five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy. For purposes of calculating leave entitlement, the 12-month period begins on the first day the eligible employee takes FMLA leave to care for the covered service member.
- a. The nearest blood relative is defined as a blood relative other than a covered service member's spouse, parent, son, or daughter, in the following order of priority:
    - 1. Blood relatives that have been granted legal custody of the covered service member by court decree or statutory provisions;
    - 2. Brothers and sisters;
    - 3. Grandparents;
    - 4. Aunts and uncles; then
    - 5. First cousins.
  - b. If the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA, then the designated individual shall be deemed to be the covered service member's nearest blood relative. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the service member's nearest blood relative.
  - c. If each spouse is a parent, spouse, son or daughter, or next of kin of the service member, who both work for the city, wish to take military caregiver leave they may only take a combined total of 26 weeks of leave. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.
- (4) In any event where FMLA-qualifying leave is foreseeable by the employee, the employee shall provide their immediate department superintendent with advance notice of the leave request. In many instances, the need for FMLA leave may not be foreseeable by the employee. In those instances, the employee's immediate department superintendent or department director shall notify the human resources department of any circumstances that may qualify for FMLA, so that the city may make a determination whether to designate the leave as FMLA-qualifying for the employee.
- (5) The city shall require the following information to be submitted.
- a. A FMLA Medical Certification Form, which can be obtained from the Department of Labor website (<https://www.dol.gov/whd/fmla/2013rule/militaryForms.htm>), will be required if FMLA leave is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may

result in denial of the leave until it is provided, including a reason for the delay. The city, at its expense, may require an examination by a second health care provider designated by the city if the city has a reasonable question regarding the medical certification provided by the employee. Depending on the circumstance of the request the following forms should be used:

1. A FMLA Certification of Health Care Provider of an Employee's Serious Health Condition Form HR FORM 30 (WH 380E) will be required to certify the employee's own serious health condition.
  2. A FMLA Certification of Health Care Provider for Family Member's Serious Health Condition Form HR FORM 31 (WH 380F) will be required to certify the employee's family member's serious health condition.
  3. A FMLA Certification of Qualifying Exigency for Military Family Form (WH 384) will be required if any of the qualifying exigencies stated in (2)(d)(1-8) apply.
  4. A FMLA Certification for Serious Injury or Illness of Covered Service Member (WH 385) will be required for care of an injured service member.
  5. A FMLA Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (WH 385V) will be required if FMLA is for the care of a veteran who was a member of the Armed Forces at any point in time within the five years preceding the date the veteran undergoes medical treatment, recuperation, or therapy.
- b. Employee may be asked to provide a new medical certification through the submission of the FMLA Medical Update:
1. When the employee requests an extension of leave and the original medical certification states that serious health condition of employee or employee's family member will last a specified period and that period has ended.
  2. When circumstances described in the original medical certification have changed significantly (e.g., change in duration or frequency of employee's absence).
  3. When the original medical certification states that serious health condition(s) of employee or employee's family member will last indefinitely, the employee may be asked to provide a new medical certification, but no more frequently than every 30 days.
  4. The employee must provide the new medical certification within 15 calendar days; however, the city may provide a reasonable amount of additional time if the employee has been unable to obtain certification in spite of employee's diligent, good faith efforts.
- c. The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active-duty status of a covered military member, the city will require the employee to provide a copy of the covered military member's active-duty orders or other military documentation which indicates the appropriate military status and the dates of the active-duty status.
- (6) Employees may use any accumulated sick, vacation, personal time, compensatory leave time, or other paid leave to the extent available during the FMLA leave period, unless such leave is covered under workers' compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of the employee's total accumulated leave will be treated as leave without pay, except in situations where the employee is eligible for Sick Leave Bank time as provided under Section 8 of this Handbook.

- (7) The city will require employees returning from FMLA leave for a qualifying event related to the employee's serious illness to provide an FMLA Medical Release to Return-to-Work (HR Form 32). Upon return from FMLA leave, the employee will be restored to their original or an equivalent position. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned their position with the city.
- (8) The city will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution for any portion of leave that is unpaid. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the city for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.
- (9) It may be medically necessary for some employees to use intermittent FMLA leave. The city will work with employees to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or their own serious medical condition.
- (10) In addition, intermittent leave may be used for the birth or adoption of a child, or the placement of a child with the employee for foster care provided that the employee and the city agree upon a scheduled use of intermittent leave for this purpose and any leave is concluded within 12 months following the date of the birth, adoption, or placement.

## Bereavement Leave

- (1) All full-time city employees shall be eligible for paid bereavement leave in the event of death in the employee's immediate or extended family. Bereavement leave shall be granted with approval by the city administrator and deputy city administrator on the following basis:
  - a. An employee shall be authorized for up to five days of paid bereavement leave in the event of death in the employee's immediate family, one of the days to include attendance to the funeral. For the purposes of this paragraph "immediate family" shall mean the employee's parents, spouse, children, grandparents, grandchildren, brother, sister, spouse's parents, or anyone permanently residing with the employee.
  - b. An employee shall be authorized for paid bereavement leave for up to three days in the event of death of an extended family member of the employee. For purposes of this paragraph "extended family member" shall be limited to uncles, aunts, nieces, nephews, brother-in-law and sister-in-law, and spouse's immediate family, other than a spouse's parent.
  - c. An employee may be eligible for up to two days of additional paid bereavement leave for extenuating circumstances, such as for traveling long distances and making family arrangements. In addition, other special relationships may exist where the employee may be eligible for additional days of bereavement leave. In these instances, the employee should discuss the circumstance or the relationship with the employee's immediate department superintendent, who shall grant or deny such requests in light of the workload, the employee's circumstances, and other pertinent factors.
- (2) Whenever the use of bereavement leave is necessary, the employee shall provide advance notice to their immediate department superintendent and the employee shall submit an Absentee Report (HR Form 07) in accordance with Section 8 of this Handbook. When possible, the employee shall submit the Absentee Report Form in advance of the leave. Otherwise, the employee shall submit the Absentee Report Form immediately upon return to work. In addition, the human resources director may request proof on the

death.

- (3) For the purpose of this section, permanent resident means person legally listed as a dependent.

## **Unpaid Leave of Absence**

- (1) Upon exhaustion of all accrued sick, vacation or any other form of accumulated leave, any request for an unpaid leave shall be submitted to the employee's department superintendent. The mayor, in consultation with the department superintendent and the city administrator and/or deputy city administrator, will decide whether to grant the unpaid leave request and other terms of the leave depending upon the reasons for the requested leave and the needs of the department and the city.
- (2) If granted an unpaid leave of absence, an employee will not be compensated and will not receive any other employee benefits provided by the city, except as required by FMLA.
- (3) If an employee is out on FMLA the city will continue to pay its share of any group health care premiums paid by the city prior to the FMLA leave, while any share of the group health care premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If any employee required portion of the group health insurance premium becomes more than 30 days late, while on unpaid FMLA leave, the city may terminate coverage retroactively. For continuation of all other employee paid optional benefits, such as life insurance, the employee will be subject to the terms and conditions of the specific plan, and the employee must pre-pay any applicable contribution or premium during the period of the absence in order to maintain those benefits.
- (4) For any unpaid leave that does not qualify under FMLA, the employee will not receive any employee benefits provided by the city. As such, the employee must make an election as to COBRA coverage for group health care for the employee, as well as any qualified dependents. In addition, the employee will be subject to the terms and conditions of the specific plan, to continue any optional benefits, upon pre-payment by the employee of the applicable contribution or premium during the period of the absence. Any failure by the employee to pre-pay any optional benefits may result in termination of the benefit.
- (5) Employees on unpaid leave will not accrue any vacation or sick leave time during the unpaid absence, except as provided by this policy.

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

- (1) The city encourages employees to fulfill their obligation as citizens when called to serve jury duty or to comply with a court or administrative subpoena. An employee that is required to attend jury duty or comply with a court or administrative subpoena during their regular working hours at the city shall be paid their full salary for the period of such service. An employee involved in litigation or court proceedings and is not appearing before the court as a result of a duly issued subpoena shall not be eligible for the paid leave provided under the provisions of this policy but may be permitted to use annual or compensatory leave time for such absences as provided in Section 8 of this Handbook.
- (2) The employee must provide a copy of the summons or subpoena to their immediate department superintendent as soon as possible after receiving such notice.
- (3) The employee shall submit an Absentee Report (HR Form 07) in accordance with Section 8 of this Handbook showing the dates and times out of the office necessitated by the employee's service required by the court. At the conclusion of each week of authorized jury duty, the employee shall submit a

signed Jury Duty Attendance Form.

- (4) Any employee excused by the court during their normal working hours shall contact their immediate department superintendent to determine if they will be required to work the remainder of their normal work schedule.

## Voting Leave

- (1) The city encourages its employees to vote on Election Day. To facilitate efficient scheduling and management of the office workload, an employee shall request voting leave from the employee's department superintendent at least one day in advance of the election date, or one day in advance of the date on which the employee appears before the county clerk to request an application for or to execute an absentee ballot.
- (2) The department superintendent shall grant a reasonable period of voting leave for an employee who is qualified to vote and who has requested voting leave in accordance with this policy. The city will compensate the employee for the leave. The department superintendent shall specify the hours during which the employee may be absent.
- (3) Prior to using voting leave, the employee shall submit an Absentee Report (HR Form 07) in accordance with Section 8 of this Handbook showing the times the employee has been approved to be out of the office for voting leave.
- (4) An employee who requests and takes voting leave, but who fails to vote without an acceptable reason, shall be subject to disciplinary action up to and including termination.

## Military Leave

- (1) The city will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the provisions of KRS 61.373 through 61.377 and KRS 61.394. USERRA grants military leave for employees and in most cases, reinstatement rights regardless of whether the service is voluntary or involuntary.
- (2) As the laws change, or as interpretations of the laws change, military leave benefits for city employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, an employee should consult with their immediate department superintendent or the human resources department for details regarding their military leave rights as a city employee.
- (3) Unless precluded by military necessity, an employee shall provide written notice to their immediate department superintendent as soon as possible regarding the need for military leave.
- (4) In any one federal fiscal year (October 1 – September 30), all full-time and part-time employees involved in military service for the United States or the Commonwealth of Kentucky are eligible to be paid their normal wages for a maximum of 21 days. Employees will only be paid based on the days they would have been scheduled to work if not for military leave. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two years after it has accrued.
- (5) An employee shall be entitled to military leave without loss of time, pay, regular leave, impairment of efficiency rating, or any other employment rights or benefits to which the employee is entitled,

including employer contributions that would have been paid into CERS if the employee had not been on military leave. Employer-provided CERS contributions will only be paid if the employee returns to work with the city upon an honorable discharge from the military.

- (6) Employees called to active duty should fill out the Active-Duty Military Leave Notification (HR Form 27) as soon as practicable.

## **Absentee Report Form**

- (1) The Absentee Report (HR Form 07) is available to employees from the human resources department and in the appendix to this Handbook. When this form is submitted by the employee, the form will be sent directly to the employee's immediate department superintendent, who will be responsible for exercising managerial discretion in deciding whether to approve or deny the leave request.
- (2) Employees are required to submit an Absentee Report (HR Form 07) whenever any type of leave is requested or taken as outlined in the policies contained in this Handbook. The employee is required to provide the date and time of the leave. Employees are permitted to use any type of leave time in 15-minute increments. Whenever possible, employees are required to submit an Absentee Report Form before the leave is taken. In the event that it is impossible or impractical for the employee to submit an Absentee Report Form prior to taking the leave, the employee shall immediately submit the form upon return to work. Failure to submit an Absentee Report Form could result in loss of pay.

## **Section 9 – Appendices and HR Forms**



## APPENDIX A – SOCIAL SECURITY NUMBERS AND PRIVACY PROTECTION

- (1) This policy is adopted in accordance with KRS 61.931- 61.934 and is applicable to all personal confidential information received and retained by the city in regard to employment and within the regular course of city business.
- (2) The city will take measures reasonably necessary to ensure the confidentiality of social security numbers collected in the ordinary course of the city's business. Neither the city nor any of its employees will unlawfully disclose the social security numbers or other confidential personal information obtained during the ordinary course of business.
- (3) Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it shall be protected from access by unauthorized individuals. Such information must be protected by software that prevents unauthorized access. If personal information is transmitted via email or other electronic means, it must be sent using appropriate encryption mechanisms.
- (4) The city shall designate a point of contact (POC). The POC shall serve the following functions:
  - a. Maintain the city's adopted Information Security Policy and be familiar with its requirements.
  - b. Ensure the city's employees and others with access to personal information are aware of and understand the Information Security Policy.
  - c. Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents.
  - d. Be responsible for ensuring compliance with the Information Security Policy.
  - e. Be responsible for responding to any incidents.
- (5) Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.
- (6) The city may use a social security number to perform an administrative duty related to employment, (e.g., to verify the identity of an individual; detect or prevent identity theft; investigate a credit, criminal, or driving history; enforce legal rights or obligations; or administer insurance or benefits programs).
- (7) Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.
- (8) Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier's software, by design or configuration, will not introduce any security exposures.
- (9) The level of protection afforded by security software should be commensurate with the sensitivity of the data. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.

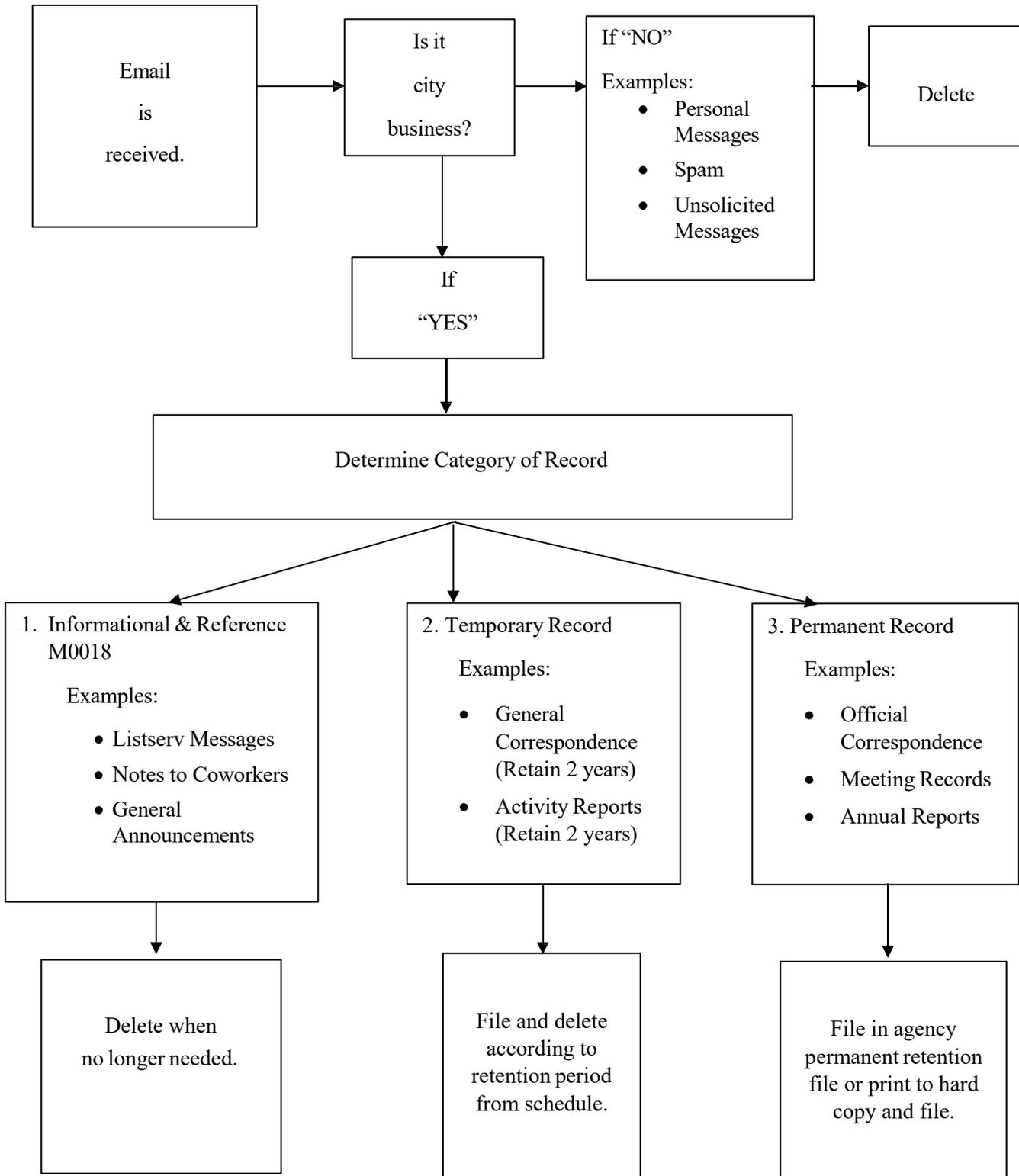
- (10) Systems, networks, and application software used to process personal information must adhere to the highest level of protection reasonably practical. The city will use Intrusion Detection and Prevention software approved by the Commonwealth Office of Technology (COT). A list of approved software is available on the COT website (<http://technology.ky.gov/Governance/Pages/KITS.aspx>). If not listed, the software must provide comparable or superior protection.
- (11) Information stored on digital media shall be encrypted in accordance with contemporary standards.
- (12) This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of city business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the city indicating acceptance of the information and acknowledging their understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the city should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.
- (13) When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last four digits of the social security number).
- (14) The city will secure and when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons.
- (15) Secure measures must be employed by the city and all permissive users to safeguard personal information contained on all city technology resources.
- (16) Cities shall ensure that all authorized personnel are familiar with and comply with this policy. The city shall ensure that only authorized personnel may hold and have access to personal information.
- (17) Threats to the security of personal information arise in many different ways. The city will make an attempt to be aware of the different types of threats and to enact reasonable measures to protect against each. Attacks on personal information may arise from:
  - a. External/Removable Media — An attack executed from removable media (e.g., flash drive, CD) or a peripheral device.
  - b. Attrition — An attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
  - c. Web — An attack executed from a website or web-based application.
  - d. Email — An attack executed via an email message or attachment.
  - e. Improper Usage — Any incident resulting from violation of an organization's acceptable usage policies by an authorized user, excluding the above categories.
  - f. Loss or Theft of Equipment — The loss or theft of a computing device or media used by the organization, such as a laptop or smartphone.

- (18) Whether in digital or non-digital format, the city will retain and keep secure all personal and confidential information as set out in the Kentucky Department of Libraries and Archives Record Retention Schedule. The city will physically destroy documents that contain personal confidential information, including social security numbers, by shredding or other secure fashion. Personal confidential information, including social security numbers, stored in a computer database which needs to be removed will be deleted from all programs and processes pursuant to techniques and standards commonly used for such purposes. The methods set forth below are listed in priority order with the most highly recommended safeguard listed first. One of the following safeguards must be implemented:
- a. Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense. The city will review and evaluate the disposal company's information security policies and procedures. The city will review an independent audit of a disposal company's operations and/or its compliance with nationally recognized standards.
  - b. Secure and utilize shredding equipment that performs crosscut or confetti patterns.
  - c. Secure and utilize disk sanitizing or erasing software or equipment approved by the United States Department of Defense.
  - d. Modify the information to make it unreadable, unusable, or indecipherable through any means.
- (19) The city must disclose a security breach in which personal information is disclosed to, or obtained by, an unauthorized person. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within 35 days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent by the city describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.
- (20) When the city identifies a security breach in which personal information has been disclosed to, or obtained by an unauthorized person, the city shall notify the Kentucky State Police, the Auditor of Public Accounts, the Attorney General, and the Commissioner of the Department for Local Government within three business days and they must complete Form COT-F012. The city shall document the following:
- a. Preliminary reporting and description of the incident.
  - b. Response, including evidence gathered.
  - c. Final assessment and corrective action taken.
  - d. Final reporting.
- (21) Incident response procedures can be a reaction to security activities such as:
- a. Unauthorized access to personal information, data, or resources.
  - b. Denial of service attacks.
  - c. Actual or anticipated widespread malware infections.
  - d. Data breaches.

- e. Loss/theft of equipment.
  - f. Significant disruption of services.
  - g. Significant level of unauthorized scanning activity to or from hosts on the network.
- (22) The city shall make reasonable efforts to investigate any security breaches in which personal information is disclosed to, or obtained by an unauthorized person and shall take appropriate corrective action.
- (23) The city must comply with all federal and state laws and policies for information disclosure to the media or the public. In some circumstances, communication about an incident is necessary, such as contacting law enforcement. The city should use discretion in disclosing information about an incident. Such information includes network information, type of incident, specific infection type (if applicable), number of assets affected, specific detail about applications affected, applications used to employ corrective action/investigate, etc. The city may proactively share relevant incident indicator information with peers to improve detection and analysis of incidents. Within the parameters of the law, minimal disclosure regarding incidents is preferred to prevent unauthorized persons from acquiring sensitive information regarding the incident, security protocols, and similar matters, in an effort to avoid additional disruption and financial loss.
- (24) Any employee of the city who knowingly violates the provisions of this policy will be subject to the city's disciplinary policy.

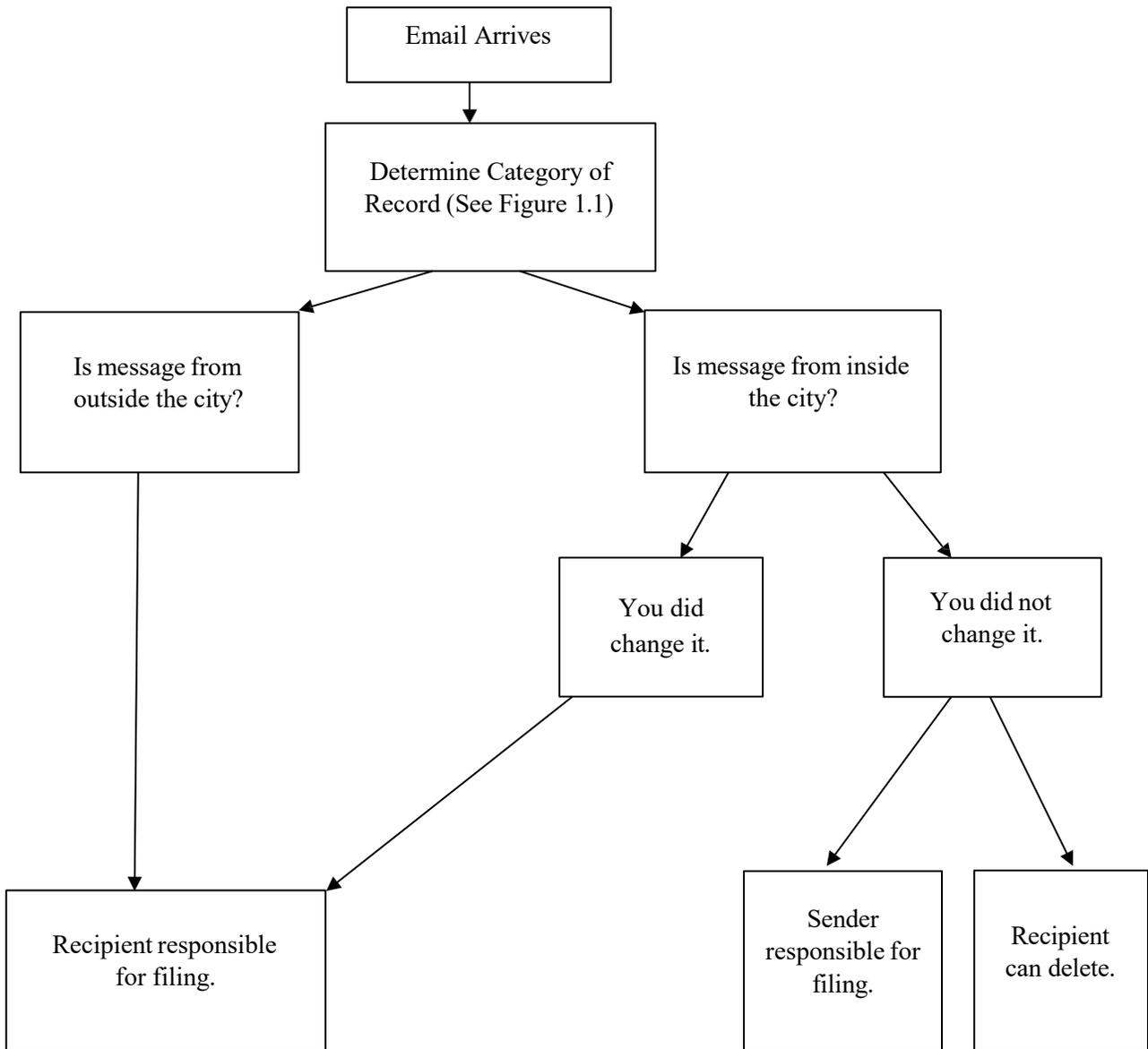
# APPENDIX B – EMAIL AND COMMUNICATIONS RETENTION

Figure 1.1 Decision Sequence for Determining Email Retention



## Figure 1.2 Determining Responsibility for Retaining Email Messages

Because email messages can be forwarded and routed to multiple addresses, copies of the messages may exist in many areas of the agency. In most cases, the author, or originator, of the email message is responsible for maintaining the “record” copy. However, in cases in which the recipient has altered the message (e.g., made changes, added attachments, etc.), or when the message is coming from outside the agency and therefore not documented anywhere within the agency, the recipient is the one responsible for retaining the message.



## APPENDIX C – CUSTOMER SERVICE PRINCIPLES

The purpose of these principles is to establish guidelines and expectations for city employees when providing customer service to city residents, the business community, and coworkers.

This policy discusses communication techniques to use when interacting with customers. It also sets forth standards for the time it should take an employee to respond to a customer's request for information or service. Telephone and email communication are important means with which to provide customer service. As such, this policy also includes a discussion regarding proper etiquette for these types of communication.

Providing effective customer service can often be difficult and challenging. Customers can oftentimes be impatient, frustrated, or angry. This policy offers tips on how to best communicate with customers in these situations, as well as suggestions for dealing with the associated personal stress.

Working for city government offers a unique opportunity to positively impact the quality of life for city residents and businesses. Every interaction an employee has with a customer is an opportunity to provide comprehensive and timely customer service. Consistently applying effective customer service techniques while adhering to established performance standards will improve the quality and effectiveness of the city's overall customer service program.

### General - External and Internal Customers

There are both external and internal customers. External customers include anyone who comes to or calls city offices; all city residents and businesspersons; and visitors who use city businesses, city services, or attend city events. Internal customers include the elected officials and fellow city employees who are affected by the service the city provides.

City employees are expected to treat every customer, whether external or internal, with courtesy and respect. In dealing with external customers, city employees are expected to be consistent in their application of city rules and requirements. In matters concerning fellow employees, city employees are expected to maintain a consistently high standard of conduct and support one another with timely and accurate communication. This will help city staff provide better service to our external customers and avoid duplication of efforts.

### Customer Expectations and Sources of Frustration

To best serve customers, it is helpful to understand their expectations and to be aware of common causes of customer frustration. A customer will generally expect the following basic needs to be met: *to be understood, to feel welcome, to feel important, and to feel comfortable.*

Common causes for customer frustrations: having unmet expectations, being upset at someone or something, feeling that no one seems to listen or care, believing that services have not been delivered as expected, broken promises, being treated rudely, inconsistent or inaccurate information from city employees, and unfamiliarity with city procedures/ordinances.

With the above in mind, customers should always be taken seriously, treated with respect, given necessary and correct information, and able to speak to someone who will assist in addressing their concern.

### Communication Techniques

1. Communication tips to promote effective customer communication:
  - Actively listen by maintaining eye contact.
  - Use the person's name in the conversation, as appropriate.
  - Take notes.

- Hear the entire message.
  - Use a pleasant tone of voice when speaking and smile, if appropriate. (Note: Smiling when a customer is upset can give off a feeling to the customer that the employee thinks the situation is a joke.)
  - Paraphrase or clarify the customer’s message.
  - Avoid making snap judgments.
  - Give appropriate feedback.
  - Avoid using negative phrases such as: “You have to,” “You can’t,” “You must,” and “You need to.” These words may instantly create a confrontational situation between people. Whenever possible, try using the following phrases instead: *“I’m going to ask you to do this”* or *“I can help you with that if you consider doing this.”*
2. Voice characteristics that can assist in ensuring effective communication when speaking to customers:
- Volume – Maintain an adequate voice volume. If you speak too softly, the customer will have to strain to hear you or may not be able to hear you at all. Questions such as “What did you say?” or “Could you repeat that?” are indications that you are speaking too softly. In addition, it is important not to speak loudly. Speaking in a loud voice may make the customer feel threatened and uncomfortable.
  - Speaking rate – Speak at a constant rate. Speaking too slow or too fast may make it difficult for the customer to concentrate on what you are saying.
  - Pausing – Pausing allows you to place emphasis on a particular point, take a breath, or collect your thoughts. However, pausing too long or too often can become annoying.
  - Inflection – Inflection is a change in volume, rate and/or pitch to give particular emphasis to something said. Inflection varies among speakers. Therefore, it is best to speak in a natural voice. While speaking in a monotone should be avoided, an overly dramatic presentation is equally inappropriate.
  - Type of voice – Your attitude and manner of speaking express to the customer a particular point of view, meaning, or feeling. Be positive and courteous. When speaking on the phone, one’s facial expression is reflected in one’s voice. Smiling or maintaining a pleasant expression will help convey a friendly attitude.
  - Pronunciation/articulation/enunciation – Clear speaking establishes credibility while garbled speaking does the opposite. Avoid slurring words and running words together. For example, say *“Who is it?”* instead of *“Whosit?”* Do not eat when speaking on the phone.

## Customer Service Guidelines

The purpose of these guidelines is to establish standards for responding to customer inquiries. They should be used when communicating on the telephone, through electronic mail, or in written correspondence.

1. Routine versus Non-Routine Requests – Requests that are relatively straightforward and do not require a great deal of research are considered routine. Employees are expected to make every effort to respond to routine inquiries on the same business day, but no later than the end of the next business day.

Requests that require a more detailed review are considered non-routine. Non-routine requests should be responded to as soon as possible, but no later than the end of the second business day after the day in



which the request was received. If a request has not been completed within this time frame, employees are expected to inform the customer and provide an estimated time frame as to when you expect to fully respond to the request.

2. Telephone Usage and Etiquette Policy – Telephone calls from both internal and external customers should be answered as quickly as possible (within three rings whenever practical).

- Employees who answer telephones as one of their primary job duties are prohibited from screening phone calls or avoiding calls from a particular person or phone number.
- Placing a call – When placing calls, employees should identify themselves by city department and name. For example:  
*“Hello, this is Glen Williams calling from the City of Madisonville Human Services Division. Is Mr. Jones available?”*
- If the intended party answers, provide them with accurate and concise information, following the same protocol when receiving calls as described below. If an employee must leave a message, they should be sure to clearly state their name, city department, phone number, and a brief summary of the purpose of the call. When possible, repeat the return phone number twice. For example:  
*“Hello, this message is for Mr. Billy Williams. This is Jim Williams calling from the City of Madisonville Human Services Division. My number is 000-000-0000. I am returning your call regarding the water department bill. Again, I can be reached at 000-000-0000. Thank you.”*
- Receiving calls – Employees are expected to answer the telephone in a courteous and professional manner. After the employee’s greeting, the caller should be allowed to state their business or concern. Employees are advised to listen carefully and never cut a caller off before they are finished speaking.
- The employee should then attempt to assist the caller by providing accurate information in as concise a manner as appropriate. Provide only factual information and refrain from giving opinions or speculating.
- When the information has been provided, ask the caller if they need any further assistance. Once the caller is ready to hang up, thank the caller. Never hang up if the caller is still speaking, unless the caller is abusive. (More information on responding to complaints and angry customers is below.)
- Transferring calls and placing calls on hold – Employees should make every effort to assist the caller and avoid placing the caller on hold or transferring. If an employee is unable to assist a caller, needs information from another employee, or the caller needs to speak with someone from another department, the call may be transferred and/or placed on hold. The employee should say something like:  
*“I am unable to help you with this issue, but I’d like to transfer you to someone who can help. May I place you on hold briefly while I contact them to transfer your call?”*
- Unless the caller is insistent, do not transfer them to another employee or their voicemail if the caller is angry. Instead, offer to take a message and make certain the message is delivered promptly. Similarly, avoid sending angry callers directly to the mayor without consulting your immediate department superintendent to see if they can resolve the issue.

- If the customer gives permission, call the extension of the employee who will be able to help. Avoid transferring a call without speaking to the other employee. It is difficult for employees to take calls without preparation and the caller will find it frustrating if they are required to restate their request. If the employee answers, briefly share the caller's identity and general request. Prior to putting the customer on hold, it is a good idea to let the customer know the employee's extension just in case the call gets lost or dropped.
- If the employee you are trying to reach is not available, inform the caller that the person is unavailable and offer to take a message or transfer the caller to the employee's voicemail. Do not transfer the caller to an employee's voicemail without the permission of the caller. If the caller does not wish to leave a message, inform them politely that they are welcome to call back at another time.
- Call forwarding – It may be necessary at times for employees to utilize the call forwarding feature through the phone system when out of the office. Employees should check with their department superintendent to see if they should use the call forwarding feature (or an out-of-office voicemail greeting) when planning to be out of the office.
- When out of the office, phone calls are generally forwarded to another employee or to a city-issued cell phone but may be forwarded elsewhere as needed at the discretion of the department superintendent.
- Employees should consult the user prompts on their office telephone for instructions on how to forward calls or contact the city clerk or their designee for further assistance.
- Taking messages – If a caller is seeking a particular employee and that person is not available to answer their phone, inform the caller and ask if another employee may assist them, if appropriate.
- If the employee is not available to take the call, the answering employee should avoid providing unnecessary information to the caller. For example, state "I'm sorry, Jane is not available at this time" instead of "Jane is down in the lunchroom right now." The employee taking the call should offer to take a message or offer to transfer the call to the employee's voicemail. Allow the caller to choose the method of message delivery.
- Messages should include the information listed below. It is important for employees to take good notes and give messages to other employees promptly in order to provide quick and accurate customer service:
  - Name of the person who the message is for, date, and time.
  - Name or initials of the employee taking the message.
  - Name of the caller's business/organization, if needed.
  - Telephone and other contact information where the caller can be reached.
  - Consider asking for the best time to return a call.
  - Purpose of the call/message/request.
  - Action requested by the caller, such as wants to see you, please return call, will call back, etc.
  - Repeat the information back to the caller to check accuracy.

- Returning telephone calls – Employees should make every effort to check their voicemail often and return calls as quickly as possible, within one business day or sooner. If an employee is on shift work, voicemail greetings should convey the fact that calls will be returned when the employee returns to work. Greeting messages should specify the date the employee expects to return to work.
  - Voicemail greeting – When setting up the primary greeting, employees should include their name and department. Greetings should be polite and concise. For example:  
*“Hello, you have reached the voicemail of Bill Johnson, City of Madisonville Public Works Department. I am unable to take your call at this time. At the tone, please leave your name, phone number, and a brief message, and I will return your call as soon as possible. Thank you.”*
  - Greetings can be enhanced to allow the caller to speak to a live person if they do not wish to leave a message.
3. Email Usage and Etiquette Policy – Email messages from both internal and external customers should be answered as quickly as possible (by the end of the business day if practical). Employees are expected to respond to emails in a concise and professional manner. The following are email etiquette tips to follow when initiating or responding to an email:
- Be concise and to the point – Do not make an email longer than it needs to be. Keep the important information as close to the top of the email message as possible. Remember that reading an email is harder than reading printed communications and a long email can be very discouraging to read.
  - Respond promptly – Customers generally send an email because they wish to receive a quick response. As noted above, every effort should be made to reply to a routine request within the same business day but no later than the end of the next business day. If the request is complicated (non-routine), reply to the email, stating that you have received their email and you expect to get back to them within a certain time frame.
  - If you are out of the office for an extended period, place an out-of-office message on your email stating the date that you will respond to them, as well as an alternative person to call or email.
  - Use proper spelling, grammar, and punctuation – This is very important because improper spelling, grammar and punctuation gives a poor impression of the city. Moreover, it is important for conveying the message properly. Emails with no full stops or commas are difficult to read and can sometimes even change the meaning of the text. Avoid using acronyms or city jargon as the reader may be unfamiliar. Use the spell check option for longer email messages.
  - Use proper structure and layout – Since reading from a screen is more difficult than reading from paper, structure and layout are very important for email messages. Use short paragraphs and blank lines between each paragraph. When making points, consider numbering them. Do not use a background font or design that detracts from your message.
  - Do not overuse the high priority option, or it will lose its function when you really need it. Moreover, even if an email has high priority, your message will come across as slightly aggressive if you flag it as “high priority.”

### **Email Etiquette Tips**

- Do not write in CAPITALS – IF YOU WRITE IN CAPITALS IT SEEMS AS IF YOU ARE SHOUTING. This can be annoying and may trigger an unwanted response from the recipient.
  - Don't leave out the message thread – When you reply to an email, it is best to include the original mail in your reply; in other words, click "Reply," instead of "New Mail." If a person receives many emails, they obviously cannot remember each individual email. This means that a "threadless email" will not provide enough information, and they will have to spend a frustratingly long time to find out the context of the email. Leaving the thread might take a fraction longer in download time, but it will save the recipient the time and frustration of looking for the related emails in their inbox or deleted folder.
  - Read the email before you send it – Reading your email from the recipient's point of view will help you send a more effective message and avoid misunderstandings and inappropriate comments.
  - Do not overuse "Reply to All" – Only use "Reply to All" if you really need your message to be seen by each person who received the original message.
  - Take care with abbreviations and emoticons – Try not to use abbreviations such as BTW (by the way) and LOL (laughing out loud). The recipient might not be aware of the meanings of the abbreviations and in business emails these are generally not appropriate. The same goes for emoticons, such as the smiley :). If you are not sure whether your recipient knows what it means, it is better not to use it.
  - Take care when requesting delivery and read receipts – If you decide it is necessary to request a delivery and read receipt, be advised that doing so could annoy your recipient before they have even read your message. Besides, it often does not work since the recipient could have blocked that function. If you want to know whether an email was received it may be better to ask the recipient to let you know if it was received.
  - Do not ask to recall a message – Chances are that your message has already been delivered and read. It is better just to send an email to say that you have made a mistake. This will look much more honest than trying to recall a message.
  - Use a meaningful subject – Try to use a subject that is meaningful to the recipient as well as yourself.
  - Avoid long sentences – Try to keep your sentences to a maximum of 15-20 words. Email is meant to be a quick medium and requires a different kind of writing than letters. Also take care not to send emails that are too long; chances are that the recipient may not want to or have the time to read it.
  - Keep your language gender neutral – Avoid using sexist language such as: "The user should add a signature by configuring his email program." Apart from using him or her, you can also use the neutral gender: "The user should add a signature by configuring the email program."
4. Translation and Interpretation Services – At times, employees may need the services of a translator or an interpreter to communicate with a customer. Employees are encouraged to seek guidance from department superintendents.

## **Responding to Complaints and Angry Customers**

1. Tips for handling complaints effectively.

- Be patient – Do not interrupt the customer. Give the customer ample time to explain the issue. Project an air of interest, concern, and genuine desire to help the customer.
- Be understanding – Do not be judgmental. Customers want empathy. Let them know you understand by summarizing their concerns. The following statements demonstrate that you understand their concern:  
  
*“Let me see if I understand this.” -or- “You are feeling \_\_\_\_\_ because \_\_\_\_\_.”* Speak calmly and slowly – this should help relax the customer and allow you to address the facts, not cater to the emotions. Speaking calmly and slowly will also help you to stay calm and focused.
- Sincerely apologize for the inconvenience – even if you sense that the problem is not the fault of your department or the city and clearly not your fault. Apologize to the customer for the inconvenience they have experienced. This is not admitting guilt or patronizing the person, but rather will communicate sympathy, understanding, and a willingness to assist the customer.
- Identify the problem – Based on the information the person communicates to you, restate the problem/issue in a concise way to make sure that all of the points are covered completely and to ensure that you have understood them correctly.
- Identify solutions – Depending on the specifics of the particular conversation and your knowledge of the organization, a solution may involve taking notes, promising to research the matter, and following up at a later date. If it is a person on the telephone, a potential solution might be to have the person come into the office to speak to another employee.
- Make an agreement – You and the customer should determine what is to be done, when it is to be done, and by whom.
- **Follow-up personally to make sure the customer has been satisfied.**

2. Dealing with Angry Customers – When handling or responding to complaints and/or angry customers, the employee should be patient while allowing the customer to vent a reasonable amount of stress, anger and/or frustration. Employees must remain calm and respectful at all times. Make an effort not to take complaints personally or assign blame or judgment and attempt to follow the tips for handling complaints effectively.

When customers are offensive on the telephone, avoid the following behaviors:

- Hastily and/or unnecessarily transferring a complaint caller to an unsuspecting coworker.
- Ignoring a complaint caller while they “talk themselves out and calm down.”
- Placing a complaint caller on hold without a periodic check-in.
- Responding to the complaint by saying, “Sorry, that’s not my job.”
- Placing the blame on another department or employee. It solves nothing and hurts morale.
- Hanging up as if by accident.
- Promising to call right back. If you need to return the call, give a reasonable time frame.
- Also, do not promise that someone else will return the call. Promising to give the message to the appropriate person is acceptable.

3. When a Customer Uses Abusive Language – Employees are not expected to put up with verbally abusive customers who use obscene or threatening language. If a customer is verbally abusive, keep the following in mind:
- Explain that the conversation is not resolving the problem.
  - Politely end the conversation by saying: “I am not comfortable with the way you are talking to me. Perhaps it would be better if we discussed this at another time.”
  - Notify the appropriate person in your department or department superintendent who may receive a visit or a phone call from this person and present the facts as you see them.

When a customer is offensive and remains irate or refuses to listen, politely inform the customer that nothing can be done unless the customer cooperates. Inform the customer that their behavior is not acceptable, and that no assistance can be provided unless the conduct changes appropriately. If the customer refuses to cooperate, the employee should calmly inform the customer that the employee is terminating the conversation due to the customer’s behavior. For example:

*“I am sorry, sir or ma’am, but I cannot help you if you continue to shout at me. I am ending the conversation at this time.” -or- “I am sorry, sir or ma’am, but I cannot help you if you continue to use abusive language. I am ending the conversation at this time.”*

If the customer makes threats or in any way indicates a danger to safety, immediately inform the police department. Also, inform a department superintendent as soon as possible of the incident and how it was handled. Record the details of the incident and provide a copy to the appropriate department superintendent for reference purposes.

### **Stress Management and Employee Assistance Program**

It is normal for city employees to feel “stressed out” when attempting to provide effective customer service, especially to individuals who are overbearing or angry. For tips on how to recognize and deal with personal stress, consider the city’s Employee Assistance Program (EAP). Information on this program can be found in Section 7 of this Handbook.

### **Conclusion**

The standards herein are designed to help ensure that contact with customers will always be handled in a professional, courteous manner, and that city employees are providing the best possible internal and external customer service. Employees are encouraged to submit suggestions for amending and improving this policy and associated guidelines. Any suggestions or comments should be directed to human resources department.

# **APPENDIX D – ACCEPTABLE USE OF COMPUTER TECHNOLOGY**

## **CITY OF MADISONVILLE, KENTUCKY**

### **ACCEPTABLE USE OF COMPUTER TECHNOLOGY**

#### **I. INTRODUCTION**

This policy is applicable to all workers (employees, contractors, temporaries, etc.) who use the internet with the City of Madisonville's computing or networking resources.

The internet provides a source of information that can benefit every department within our city. It also improves customer service, retention, and growth. Therefore, it is the policy of the city that employees whose job functions require or justify use of the internet be provided access. Management will approve internet access based on need and will determine if the account is exclusive or shared with other users and if one or more components of the internet will be available (electronic mail (email), World Wide Web (Web), newsgroups, listservs, etc.). All employees accessing the internet whether doing business for the city or for personal uses on city equipment, a city-owned domain name, or on a city internet access account should become proficient in its capabilities, practice proper network etiquette, and agree to the conditions and requirements of this policy.

As a good corporate citizen, the city has a responsibility to help make the internet a safe, secure, and productive business tool for our employees, customers, and noncustomers.

#### **II. POLICY OVERVIEW**

This Acceptable Use Policy is designed to help our employees understand the city's requirements and expectations for the use of, as applicable, the internet and all its components (e.g., telephone system including voicemail, facsimile machines, scanning devices, photocopiers, internet, and technology equipment). This policy distinguishes between internet and technology equipment access during the employee's working hours and that performed on personal time (i.e., weekends, before and after work, lunch periods, or breaks). Personal use is allowed provided it in no way interferes with the intended business uses of the city's resources, internet, and technology equipment or incurs unnecessary costs to the city without prior authorization. All personal use must also be in accordance with the restrictions and requirements established in this policy.

The internet is a business tool. Access is for business-related purposes (i.e., to research relevant topics; communicate with customers, vendors, and regulators; and obtain useful business information), except as outlined below in Section III. You are required to conduct yourself appropriately on the internet. Proper use requires that you respect all copyrights, software licensing rules, property rights, and the privacy of others, just as you would in your day-to-day business activities. You must also remain security-conscious and ensure that any files you receive electronically are scanned for virus contamination. You are cautioned not to use the internet for any purpose that would reflect negatively on the city, its employees, or subsidiaries.

Unnecessary or unauthorized internet usage causes network congestion. It slows other users' access, reduces effective work time, consumes supplies, and ties up printers and other shared resources. Unlawful internet usage may contribute to reputation risks and expose the city to legal liabilities.

What is said on the internet, whether via email, newsgroups, chat sessions, or otherwise, may be seen by millions of other users. It may be retained electronically by any number of them. You should restrict the personal freedoms the internet affords unless you are a designated spokesperson for the city. That is, do not make any comment that may be misrepresented as being the city's position unless you are empowered to make such a comment.

Questions about this policy should be directed to the Human Resource Office or the information technology director. All city internet users must agree to the following statement and positively affirm the statement with a signature. The statement will be filed with your personnel records.

"I fully understand the terms of this policy and agree to abide by them. I realize that the city may incorporate monitoring software and may record, for management's use, the internet address of any site I visit. The city may keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive will be recorded and stored in an archive file for management's use. These archives may be accessed by law enforcement agencies when required legal processes are executed. I know that any violation of this policy could lead to dismissal or applicable criminal prosecution."

### **III. POLICY PROVISIONS**

The city may have in place and use, at any time, the software and systems to monitor and record all internet activities. These systems are capable of recording (by user) each World Wide Web site visited, chat, newsgroup, email message, and each file transferred into and out of our internal networks. We reserve the right to do so at any time. No user should have any expectation of privacy as to internet usage. Assigned individuals will review internet activity logs and report suspicious findings to the appropriate supervisor or to the mayor's office.

All data that is stored on media owned by the city is the property of the city. To properly maintain and manage this data, the management may exercise at any time its right to inspect, record, and/or remove any or all information contained in computer databases, files, and email records, and to take appropriate action should unauthorized or improper usage be discovered.

All employees and officers who use computer equipment and software in the performance of their duties shall take all reasonable and necessary precautions to prevent damage to the equipment and software. To ensure the integrity of the city's computer system and software, all employees and officers are prohibited from connecting any hardware or loading any software onto the system, or any individual component of the system, unless the hardware or software has been specifically approved in advance by the city's IT Department.

The purposeful display of any kind of sexually explicit or discriminatory (as it pertains to race, color, religion, national origin, gender, marital status, age, sexual orientation, political beliefs, receipt of financial aid, or disability) image or document on any city computer or other device is a violation of this policy. In addition, none of these files may be archived, stored, distributed, edited, or recorded using city resources, unless expressly authorized to do so (e.g., police investigations).

No employee or officer shall make copies of data or software programs owned by the city for their own personal use, or for any purpose not required by the employee's assigned duties. In the event that a software licensing agreement authorizes the reproduction of software and an employee desire to obtain a copy of the software for installation on a single home computer to assist the employee in the performance of assigned duties outside of regular office hours, the employee shall seek specific approval from the city's IT Department before copying the software.

All city business email communications shall be conducted through the city email accounts. No city business conducted by an officer or employee of the city shall occur through a personal email account. Any city business conducted outside of the city email account will be subject to public records, and it is the responsibility of the employee or officer to retain those messages in accordance with the Open Records Act, the Kentucky Department of Library and Archives Schedule, and the Email and Communications Retention Schedule, as set out in the City of Madisonville Personnel Policy, Appendix B. Questions regarding any recordkeeping requirements should be directed to the city clerk.

Employees or officers should have no expectation of privacy associated with information they transmit through or store in electronic mail programs owned by the city, even those on a cell phone. All messages



and data processed electronically over the city-owned computers and communications systems are the property of the city and may be subject to the Open Records Act.

City employees and officers are prohibited from the use of cloud-based apps to save work-related documents such as Dropbox, SkyDrive, and Box.net.

The city may use approved software to identify inappropriate or sexually explicit internet sites. These sites may be blocked from access based on some specific or general criteria. If you feel your access is justified, exceptions must be approved through your supervisor and coordinated with the system administrator. If you find yourself connected incidentally to a site that contains sexually explicit or offensive material, you must immediately disconnect from that site, regardless of whether that site had been previously deemed acceptable by any filtering program, unless an exception has been justified and granted.

Inappropriate uses of the city's equipment, hardware, software, and internet connectivity include:

- (1) Uploading, downloading, or otherwise knowingly accessing or transmitting in any fashion:
  - a. Abusive, hateful, degrading, demeaning, derogatory, defamatory materials, information, or communications. Emphasis is added as it pertains to race, color, religion, national origin, gender, sexual orientation, political beliefs, or disability.
  - b. Pornographic, obscene, sexually explicit, indecent materials, vulgar information, or communications.
  - c. Any confidential records of the city, its customers, or vendors without adequate authority to do so. Employees must know what is and is not acceptable based on their position and function within the city.
  - d. Any materials or programs, including access and registration codes, which are in violation of copyright protections.
  - e. Any participation in unauthorized political activities (refer to the personnel policy).
  - f. Any trade secrets, rude or abusive language, or negative characterizations of others or of the city.
  - g. Resumes or other activities related to seeking employment outside of our organization unless expressly authorized to do so.
  - h. Chain letters, distasteful jokes, and gambling of any nature.
  - i. Solicitations or advertisements for other than the city, its affiliates, or subsidiaries unless authorized by the mayor's office or designee.
  - j. Any virus, worm, Trojan horse, or trap-door program code.
  - k. Any attempt to disable or overload any computer system or to circumvent any system intended to protect the privacy or security of another user.
- (2) Vandalizing, damaging, disabling, or gaining access to another entity's computer files or data. KRS 434.840- KRS484.860 prohibits unauthorized individuals from accessing a computer or its data and from damaging either. This can result in a fine or imprisonment. Current law requires the city to file a Suspicious Activity Report under certain circumstances.
- (3) Sending email or other wire transmitting anything anonymously or under an alias unless authorized.

- (4) Engaging in any other activity restricted by local, state, federal, or international laws. Use of any city resources for illegal activity will be grounds for immediate dismissal. The city will cooperate with any legitimate law enforcement activity.
- (5) Any files downloaded via the internet or transmitted onto a city computer or other device may be used only in ways that are consistent with applicable licenses or copyrights.

Personal views cannot be presented as though they are that of the city. Unless authorized to do so in the performance of your duties, employees may not speak or write in the name of the city. Employees must refrain from any unauthorized endorsement or appearance of endorsement by the city of any commercial product or service not sold or serviced by the city, its subsidiaries, or its affiliates

All outgoing email and postings to newsgroups, listservs, etc., must be reviewed just as though it were traditional correspondence. Improper spelling and grammar reflect poorly on the professional image of the city and its employees.

When participating in any newsgroup or chat session or when sending email, it is inappropriate to reveal confidential information, customer data, or trade secrets.

Use of the internet for extended periods of time, such as file downloads longer than 30 minutes each, video and audio streaming, and use of push technologies such as PointCast, Internet Channels or other recurring, regularly scheduled downloads, will be permitted on a case-by-case basis by the employee's supervisor. These activities should be completed during non-peak periods if at all possible.

Any program or file that is downloaded must be scanned for viruses before it is executed or accessed. The employee should ensure that the virus protection program installed on their computer is running at all times except instances when approved software is installed.

Any employee who attempts to disable or circumvent any city security program or device will be in violation of this policy and subject to personnel actions.

Although customer service is vital to our success, so is our obligation to help prevent identity fraud against any of our customers. For this reason, employees will not reveal confidential customer information in response to an email request unless the identity of the customer (email sender) is absolutely verified.

Files containing sensitive city or customer data that are transmitted in any way over the internet must be encrypted or password-protected in a city-approved manner. The decryption key or password should be transmitted to the intended receiver by another means, such as conventional mail or telephone. Exceptions must be approved by a supervisor and should be rare.

User identifications and passwords help maintain individual accountability for computer usage. These are meant to be confidential. City policy prohibits:

- (1) The sharing of user identifications and passwords for use of any city computer or other device.
- (2) Using any other user identifications and passwords other than those assigned to the user.
- (3) Obtaining or attempting to obtain another user's identification and password.
- (4) Allowing unauthorized (third party) to access any city computer or device.

Computers that have internal modems may bypass city security mechanisms included on the internal network. This configuration can allow an outside connection to be dialed into the city's computer. Any computer so equipped should be separate from an internal network to better protect the integrity of the networked computers.

Computers at work are for city use. However, when certain criteria are met, employees are permitted to engage in the following activities:

- (1) During work hours, employees may access job-related information to perform specific job requirements.
- (2) During work hours, employees may participate in newsgroups, chat sessions, and email discussion groups (listservs), provided that these are job-performance related. If personal opinions are expressed, a disclaimer should be included clearly indicating that this is not an official city position.
- (3) During time off the clock, employees may retrieve non-job-related text and graphics to develop or enhance internet related skills. Adherence with this policy, and in particular, Section III., is required. If the employee's internet connection is shared, either on a shared computer or peripheral, city business conducted by an employee conducting official business will take precedence when there is a time-use conflict. This access is allowed to enhance the employee's skill set and should improve the accomplishment of job-related work assignments.

Protect your privacy, the privacy of the city's employees and citizens, and the information the city holds. Follow all privacy protection laws (i.e., the protection of personal information policy adopted by the city, HIPAA, etc.), and protect sensitive and confidential city information. Emailing this information without using a secured website or using city-approved encryption methods is prohibited. (03-12-2015).

Personal/sensitive information stored on digital media or magnetic tape for backup purposes must be encrypted in accordance with contemporary standards. (03-02-2015).

If personal/sensitive information is placed on a portable computing device and/or portable media, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device and/or media must sign a form approved by the city indicating acceptance of the information and acknowledging their understanding of the responsibility to protect the information. (03-02-2015).

If personal/sensitive information must be shared with a third party to the city, that party must sign the city's Non-Disclosure Agreement for Service Providers before the personal/sensitive information can be shared. (03-02-2015).

If system access must be given to a third party of the city, that party must sign the city's Non-Disclosure Agreement for Service Providers before the system access can be granted.

When leaving the immediate area where your computer resides, either log off or lock your computer. (03-02-2015).

City employees are prohibited from automatically forwarding any city emails to a personal email account. (03-02-2015).

#### **IV. TRAINING**

All employees using the internet at or for the city are required to practice internet "netiquette" (which may be referenced on-line at <http://www.albion.com/netiquette>).

#### **V. AUDIT**

Internal audits will be completed periodically. The scope of the audit will include a review of users' logs as generated by any monitoring software approved by the city. Downloaded and archived documents will be periodically scanned for keywords and graphics, which are not in compliance with the restrictions set forth in this policy. Violations will be reported to the employee's supervisor and/or senior management, depending on the severity and frequency of the violations.

## **VI. SOFTWARE POLICY AND COPYRIGHTS**

Any third-party software will be removed if it interferes with the smooth operation of any city-approved software or if it violates the City of Madisonville Acceptable Use of City Computer Technology Policy.

Copyrights: The City of Madisonville strongly supports strict adherence to software vendors' license agreements. When at work, or when the city's computing or networking resources are employed, copying of software in a manner that is not consistent with the vendor's license is strictly forbidden. Similarly, the reproduction, forwarding, or in any other way republishing or redistribution words, graphics, or other materials must be done only with the permission of the author and/or owner. Workers should assume that all materials on the internet are copyrighted unless specific notice states otherwise.

## **VII. ENFORCEMENT**

Violations of this policy may result in disciplinary actions. Depending on the severity or frequency of the violations, this could include:

- Verbal warning for policy violations.
- A suspension/termination of internet or PC use privileges. This could then result in a position/function reassignment, and the employee's compensation package may be affected.
- A termination of employment.
- Personal liability under applicable local, state, federal, or international laws.

# HR FORM 01 – HANDBOOK ACKNOWLEDGMENT

**I certify** that I have received a copy of the City of Madisonville Employee Handbook and have read and fully understand its contents. I have had an opportunity to ask my department superintendent or the management personnel any questions that I have about the policies contained in the Handbook. I understand that failure to comply with the city’s policies and rules may result in disciplinary action up to and including discharge.

**I understand** that the City of Madisonville Employee Handbook is not a contract of employment, express or implied, and that my employment is at will, for no specific period of time and may be terminated at any time by me or the city. No officer, supervisor, or other representative has any authority to enter into any agreement, oral or written, for employment for any specified period of time, or to make any agreement contrary to the foregoing unless approved by action of the mayor, in accordance with the city budget.

**I understand** that the City of Madisonville is an Equal Opportunity Employer. As outlined in the City of Madisonville Employee Handbook, it is the city’s policy to afford equal employment opportunity to all qualified persons regardless of race, color, religion, age, sex, sexual orientation, gender identity, pregnancy, childbirth, pregnancy/childbirth-related medical conditions, genetic makeup, national origin, disability, veteran status, family status, an individual’s status as a smoker or nonsmoker, or any other status or condition protected by applicable local, state or federal laws, except where a bona fide occupational qualification applies. I understand any questions about this policy should be directed to my department superintendent or any department superintendent or management staff.

**I understand** that the City of Madisonville Employee Handbook is a guide for common working practices and procedures for the city and that the city reserves the right to revise, terminate, or add to the employee Handbook with or without notice at any time.

\_\_\_\_\_  
Employee Name (print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

# HR FORM 02 – Check Request Form

TO: Accounts Payable Department

Date: \_\_\_\_\_

Check Amount: \_\_\_\_\_

Requested by: \_\_\_\_\_

Payable to: \_\_\_\_\_

Department: \_\_\_\_\_

Account: \_\_\_\_\_

Description: \_\_\_\_\_

Check will be picked up by: \_\_\_\_\_ On (date): \_\_\_\_\_  
(name)

Reason for requesting check without proper documentation:

\_\_\_\_\_  
\_\_\_\_\_

Date proper documentation will be submitted: \_\_\_\_\_

\*\*\*\*\*

## AUTHORIZATION

\_\_\_\_\_  
Signature of Department Superintendent

IF OVER \$500.00:

\_\_\_\_\_  
Signature of City Administrative Officer

\_\_\_\_\_  
Signature of Mayor

## HR FORM 03 – BACKGROUND RELEASE FORM

1. I, \_\_\_\_\_, give the City of Madisonville my permission to conduct a criminal background and/or credit check using my name and personal information.
2. I understand the information given and received will be kept confidential and may affect employment offer.
3. **I understand that a criminal conviction does not automatically disqualify me from employment, since the nature of the offense, date, and the job for which I am applying is also considered. In addition, pursuant to KRS 335B.020, no person shall be disqualified from public employment solely because of a prior conviction of a crime, unless the crime for which convicted is one described in KRS 335B.010(4) or otherwise directly relates to the position of employment sought.**

Full Name \_\_\_\_\_

Maiden Name, if applicable \_\_\_\_\_

Other Names (list all) \_\_\_\_\_

Birthday (MM/DD/YYYY) \_\_\_/\_\_\_/\_\_\_

Social Security Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Driver's License Number \_\_\_\_\_ Issuing State \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

# HR FORM 04 – DRIVER’S LICENSE BACKGROUND CHECK RELEASE

Based on the fact that I will need to drive a city vehicle or my own vehicle on city business, I \_\_\_\_\_ give the City of Madisonville my permission to conduct a driver’s license background check using my name and personal information.

I understand the information given and received will be kept confidential and may affect employment offering. I also understand that if hired, a driver’s license background check will be done on a yearly basis for as long as driving a vehicle on city business is a part of my job duties.

Full Name \_\_\_\_\_

Maiden Name (if applicable) \_\_\_\_\_

Other Former Names (list all) \_\_\_\_\_

Birthday (MM/DD/YYYY) \_\_\_\_/\_\_\_\_/\_\_\_\_

Social Security Number----- \_\_\_\_\_

Driver’s License Number \_\_\_\_\_ Issuing State \_\_\_\_\_

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date



# HR FORM 05 – DRUG- AND ALCOHOL-FREE WORKPLACE POLICY ACKNOWLEDGMENT

- (1) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited within the workplace of the City of Madisonville. (See Section 3 of the Drug- and Alcohol-Free Workplace Policy contained within the Handbook.)
- (2) An employee found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate disciplinary action up to and including termination or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.
- (3) Each employee is required as a condition of employment to abide by the terms of paragraph (2) of this acknowledgment and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- (4) The city shall, within 30 days after receiving notice from an employee of a conviction pursuant to paragraph (3), take appropriate disciplinary action against such employee, up to and including termination.
- (5) The city also assures to make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), and (4).

## CERTIFICATION AND ACKNOWLEDGMENT

I, \_\_\_\_\_, do hereby certify that I have read and understand the City of Madisonville's Drug- and Alcohol-Free Workplace Policy and have received a copy of the aforementioned policy.

Signature of Employee \_\_\_\_\_

Signature of Parent/Guardian \_\_\_\_\_  
(If employee is under 18 years of age)

Date \_\_\_\_\_

**HR FORM 06 –  
SICK LEAVE DONATION FORM**

**Employee Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Employee Number:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Department:** \_\_\_\_\_

I \_\_\_\_\_ wish to donate \_\_\_\_\_ hours of sick leave to \_\_\_\_\_ . Donation must be in one day increments, and no more than 40 hours total donation. You may refer to the Sick Leave Donation Policy in the employee handbook for more information.

The City ***MAY/MAY NOT (circle one)*** disclose my donation to this person.

I understand I will not have this leave returned to me if the employee named above uses it. I understand this person is not required to donate leave to me at a later date, and that I donate this free from coercion from others.

Donor Employee signature \_\_\_\_\_ Date \_\_\_\_\_

Human Resources Director signature \_\_\_\_\_

---

**Total amount of hours transferred** \_\_\_\_\_.

**Amount of hours used** \_\_\_\_\_ **on** \_\_\_\_\_ **date.**

**Amount of hours still available** \_\_\_\_\_.

**Amount of hours used** \_\_\_\_\_ **on** \_\_\_\_\_ **date.**

**Amount of hours still available** \_\_\_\_\_.

**Amount of hours used** \_\_\_\_\_ **on** \_\_\_\_\_ **date.**

**Amount of hours still available** \_\_\_\_\_.

**Posted by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# HR FORM 07 – ABSENTEE REPORT

Employee Name \_\_\_\_\_

Employee Number \_\_\_\_\_ Department \_\_\_\_\_

Dates of Absence \_\_\_\_\_

Sick     Vacation     PTO     Bereavement     Time Off Without Pay

Jury Duty     Other \_\_\_\_\_

Comments \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Department Superintendent Approval

Approved

Rejected

\_\_\_\_\_  
Department Superintendent Signature

\_\_\_\_\_  
Date

## HR FORM 08 – JURY DUTY ATTENDANCE FORM

Employee Name \_\_\_\_\_

Court \_\_\_\_\_

Week of \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_

	Monday	Tuesday	Wednesday	Thursday	Friday
Time In					
Time Out					
Initials					

Jury Administrator Name \_\_\_\_\_

Jury Administrator Signature \_\_\_\_\_

I certify this to be an accurate reflection of my jury service for the week listed above.

Employee Signature \_\_\_\_\_

## HR FORM 09 – SICK LEAVE POOL REGISTRATION

Name of Donor \_\_\_\_\_

Department \_\_\_\_\_

I hereby certify that this donation is given without expectation or promise for any purpose other than that stated in the City of Madisonville Sick Leave Pool Policy. I also understand that I must make an initial donation of **16** hours of sick leave time to participate in the Sick Leave Pool Program. I will also be required to make an annual donation of **8** hours to the sick pool. I may also be required to donate additional of sick leave time when the sick leave bank falls below a certain monetary value, as determined by the city. Should I wish to discontinue my participation in the sick pool, I must notify the HR Manager/Director in writing.

\_\_\_\_\_  
Donor Signature

\_\_\_\_\_  
Date

This is to certify that the employee named above has a sufficient sick leave balance to donate the hours indicated in the City of Madisonville Sick Leave Pool Policy.

\_\_\_\_\_  
Sick Leave Pool Administrator Signature

\_\_\_\_\_  
Date

### To be completed by donor's payroll officer

Donor's sick leave balance: \_\_\_\_\_ - donation \_\_\_\_\_ = \_\_\_\_\_ remaining sick leave balance

Copies to:  
Employee Personnel File  
Employee

# HR FORM 10 – APPLICATION FOR USE OF SICK LEAVE POOL

Name of Requestor \_\_\_\_\_

A city employee actively participating in the Sick Leave Bank Program is eligible to receive a maximum of 160 hours for any one request and 480 hours during any 12-month period.

Requested dates for sick leave bank time:

From \_\_\_\_\_ To \_\_\_\_\_

Total Days/Hours Requested \_\_\_\_\_

Explanation of serious health condition of employee or employee's immediate family member.

\_\_\_\_\_  
\_\_\_\_\_

Note: The director of human resources and the recipient's immediate department superintendent may request additional documentation and certification to confirm the serious health condition.

Signature of Requestor \_\_\_\_\_ Date \_\_\_\_\_

**Approved** \_\_\_\_\_ **Date** \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Total Hours \_\_\_\_\_

Or Incremental Time Approved as Follows \_\_\_\_\_

**Denied** \_\_\_\_\_ **Date** \_\_\_\_\_

Reason(s) for denial:

- Paid leave not exhausted.
- Not a serious health condition as defined by the Family and Medical Leave Act.
- Not an immediate family member as defined by the Family and Medical Leave Act.
- Job-related injury covered by workers' compensation.
- Documented abuse of the Sick Leave Policy in the previous 24-months.
- Not an enrolled member of the Sick Leave Bank.
- Other \_\_\_\_\_

Copies to:      Employee Personnel File  
                    Employee  
                    Department Superintendent

# HR FORM 11- APPLICATION FOR ACADEMIC PROGRAM APPROVAL

*The applicant is responsible for ensuring that this request reaches Human Resources prior to course enrollment*

## Employee Information

Name \_\_\_\_\_ Phone \_\_\_\_\_  
E-mail \_\_\_\_\_ SSN# \_\_\_\_\_  
Dept/Div. \_\_\_\_\_ Job Title \_\_\_\_\_  
Date of Hire \_\_\_\_\_ Scheduled Hrs./Wk. \_\_\_\_\_ Supervisor \_\_\_\_\_

Description of job duties \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Academic Program Information

School \_\_\_\_\_ Location \_\_\_\_\_

Work schedule (hrs./wk.) while attending school \_\_\_\_\_ Anticipated Completion/Graduation Date \_\_\_\_\_

Educational Goal: \_\_\_AA \_\_\_BA \_\_\_BS \_\_\_Additional Training: \_\_\_\_\_

\_\_\_MA \_\_\_MS \_\_\_MBA \_\_\_PhD \_\_\_Other: \_\_\_\_\_

Field of Study/Major: \_\_\_\_\_ Job *Related?* \_\_\_No \_\_\_Yes

Certificate:    **Accrediting** Organization \_\_\_\_\_

Is this certification recognized in the industry? \_\_\_No \_\_\_Yes Job *Related?* \_\_\_No \_\_\_Yes

Will you receive any grants, scholarships or VA Benefits to support your tuition? \_\_\_No \_\_\_Yes

If yes, please provide documentation.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

## DIVISION/DEPARTMENT CONCURRENCE

*This employee meets the eligibility requirement, as stated in Personnel Policy, for participation in the Tuition Reimbursement Plan and is recommended for enrollment.*

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
City Administrator's Signature

**HR APPROVAL:**





## HR Form 13 – Waiver of Coverage

Employee Name (print) \_\_\_\_\_

Last 4 digits of Social Security Number \_\_\_\_\_

I have been offered enrollment into the following plans but wish to waive the coverages initialed below. I understand that I will be unable to change this until 1) Open Enrollment; 2) I have a life change/qualifying event.

\_\_\_\_ Medical Coverage

\_\_\_\_ Dental Coverage

\_\_\_\_ Vision Coverage

\_\_\_\_ FSA (Flexible Spending Acct)

---

**Employee Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

Return your completed election to: The City of Madisonville HR Department

# HR FORM 14 – TRAVEL, MEETING, AND CONFERENCE REQUEST

*This form is to be filled out prior to the event.*

Name \_\_\_\_\_

Department Superintendent Approval \_\_\_\_\_ City Administrator Approval \_\_\_\_\_

Department \_\_\_\_\_

Meeting Title \_\_\_\_\_ Meeting Date \_\_\_\_\_

Meeting Location \_\_\_\_\_

Reason for Attendance \_\_\_\_\_ Estimated Cost \_\_\_\_\_

Name of Spouse/Guest Attending \_\_\_\_\_  
(City will not pay for spouse attendance.)

Does guest need to be registered for the conference?  No  Yes

Special Requirements \_\_\_\_\_

No  Yes  Will make own reservations. (Must have mayor approval on file.)

Hotel Other Than Conference Hotel \_\_\_\_\_

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

Choice of Accommodation  Single  Double  King Bed  Smoking  Non-smoking

Guaranteed to city credit card; guest to pay own charges. City will cover room and tax only; however, this must be requested at least five days prior to departure.

Travel Request

Flight Request  No  Yes  Will make own reservations. (Must have mayor approval on file.)

From (city/time) \_\_\_\_\_ To (city/time) \_\_\_\_\_

Car Rental  No  Yes (Must have mayor approval on file.)



# HR FORM 16 – EXPENSE REPORT

Employee Name			
From (date)		To (date)	
Supervisor Name			
Department			
Business Purpose			
Itemized Expenses			
DATE	DESCRIPTION	CATEGORY	COST
		Subtotal	\$
		Less Cash Advance	
		Total Reimbursement	\$
		Don't forget to attach receipts and conference or training agenda!	
Employee Printed Name			
Employee Signature		Date	

# HR FORM 17 – MISSING RECEIPT AFFIDAVIT

*Use with purchasing card for purchases and travel expense transactions*

## USE ONE AFFIDAVIT FOR EACH MISSING RECEIPT

I, \_\_\_\_\_, have either not received or have misplaced a receipt totaling \_\_\_\_\_ . This expense was incurred on behalf of the city. This form is submitted in lieu of the original receipt.

Reference Number \_\_\_\_\_ Transaction Date \_\_\_\_\_

Vendor \_\_\_\_\_

Detailed Explanation \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the amounts shown above were expended for city business purposes.

\_\_\_\_\_  
Employee/Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approving Official Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approving Official Printed Name

# HR FORM 18 – PERSONAL INFORMATION

FULL NAME: (first, middle, last) \_\_\_\_\_

STREET/PHYSICAL ADDRESS \_\_\_\_\_

MAILING ADDRESS (if different) \_\_\_\_\_

CITY \_\_\_\_\_

STATE/ZIP \_\_\_\_\_

HOME/CELL # \_\_\_\_\_

Can we text you on this #? \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**PERSONAL INFO:**

**EMERGENCY CONTACT INFO:**

SSN \_\_\_\_\_

CONTACT \_\_\_\_\_

DOB \_\_\_\_\_

PHONE# \_\_\_\_\_

DL# \_\_\_\_\_

RELATION \_\_\_\_\_

DL EXP DATE \_\_\_\_\_

MARITAL STATUS \_\_\_\_\_

SHIRT SIZE \_\_\_\_\_

Employee Name (print) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_



# HR FORM 20 - HOURLY EMPLOYEE EVALUATION FORM

## Annual Performance Evaluation

### HOURLY EMPLOYEES

Name:		Job Title:	
Manager Name:		Department:	
Evaluation Date:		Last Evaluation Date:	
Evaluated By:			

### DEFINITION OF RATINGS

**EXCEPTIONAL (5):** Consistently exceeds all relevant performance standards. Is highly productive, innovative, responsive and generates top quality work.

**EXCEEDS EXPECTATIONS (4):** Consistently meets and sometimes exceeds all relevant performance standards.

**MEETS EXPECTATIONS (3):** Meets all relevant performance standards.

**BELOW EXPECTATIONS (2):** Sometimes meets the performance standards and often falls short of desired results.

**NEEDS IMPROVEMENT (1):** Consistently falls short of performance standards.

### INSTRUCTIONS

Describe the employee's contributions in each of the performance categories below. **It is IMPERATIVE that you illustrate specific, detailed examples since the last performance evaluation. Ratings MUST support and be substantiated by narrative comments.**

### PERSONAL ATTRIBUTES



Competency	COMMENTS	Score
<p><b>Safety:</b> Demonstrates a commitment to safety by following safety rules &amp; guidelines; follows good housekeeping practices, takes proper care of equipment. Meets requirements of 100% participation in safety training &amp; 100% safety actions completed.</p>		
<p><b>Attendance:</b> Regular &amp; punctual attendance. Individual is at work when scheduled and remains for the duration of shift.</p>		
<p><b>Initiative &amp; Energy:</b> Takes advantage of training opportunities and progresses through work assignments at an acceptable rate. Initiates actions without needing direction;</p>		
<p><b>Problem Solving:</b> Demonstrates the ability to gather information, identify root causes &amp; Develop Solutions.</p>		
<p><b>Productivity:</b> Properly uses materials &amp; equipment to effectively and efficiently complete varying workload in a timely fashion</p>		
<p><b>Conflict Resolution</b> Expresses alternative points of view in a non-threatening way. Knows when it is appropriate to compromise and when it is important to take a stand.</p>		
<p><b>Teamwork</b> Works on projects as part of a team, exchanging ideas and contributing skills that complement those of the other team members. Fulfills commitments to team members.</p>		
<p><b>Communication:</b> Organizes &amp; expresses ideas and information clearly, using appropriate and efficient methods of conveying the information. Communicates accurately &amp; honestly in an open, candid and respectful manner.</p>		
<p><b>Accountable/Dependable:</b> Takes responsibility for decisions, actions &amp; results; delivers on commitments. Acts in the best interest of others; places success of the organization ahead of personal gain. Proactive in decisions and actions</p>		

## PERSONAL ATTRIBUTES (CONTINUED)

### Hungry

Practices and exhibits passion, personal responsibility for the overall success of the team, and looks for opportunities to contribute in areas outside of responsibility

- Exceptional
- Exceeds Expectations
- Meets Expectations
- Below Expectations
- Needs Improvement

Comments:

### Humble

Compliments and praises others, shares credit for team accomplishments, readily acknowledges weaknesses, and offers apologies graciously

- Exceptional
- Exceeds Expectations

- Meets Expectations
- Below Expectations
- Needs Improvement

Comments:

### Smart

Understands the nuances of interpersonal situations (social awareness) and how words and actions impact others.

- Exceptional
- Exceeds Expectations
- Meets Expectations
- Below Expectations
- Needs Improvement

Comments:

SAFETY	
ATTENDANCE	
INITIATIVE AND ENERGY	
PROBLEM SOLVING	
PRODUCTIVITY	
CONFLICT RESOLUTION	
TEAMWORK	
COMMUNICATION	
ACCOUNTABILITY AND DEPENDABILITY	
HUNGRY	
HUMBLE	
SMART	

I ACKNOWLEDGE THAT I HAVE RECEIVED THIS PERFORMANCE EVALUATION. I UNDERSTAND THAT I MAY RESPOND IN WRITING IF I DISAGREE WITH ANY PART OF THIS EVALUATION

SIGNATURE \_\_\_\_\_

EVALUATOR SIGNATURE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_

**Instructions for Development Goals and Objectives:**  
 Enter development plans to be worked on for the next review period

Title:

Objectives:

Title:

Objectives:

# HR FORM 21 – EXECUTIVE EMPLOYEE ANNUAL PERFORMANCE EVALUATION FORM

## Executive Annual Performance Evaluation

**EXECUTIVE LEADERSHIP AND DEPARTMENT SUPERINTENDENT/ASSISTANT DEPARTMENT SUPERINTENDENT**

Name:		Job Title:	
Manager Name:		Department:	
Hire Date:		Last Evaluation Date:	
Evaluated By:		Evaluated By:	

### DEFINITION OF RATINGS

**EXCEPTIONAL (5):** Consistently exceeds all relevant performance standards. Provides leadership, fosters teamwork, is highly productive, innovative, responsive and generates top quality work.

**EXCEEDS EXPECTATIONS (4):** Consistently meets and often exceeds all relevant performance standards.

**MEETS EXPECTATIONS (3):** Meets all relevant performance standards.

**BELOW EXPECTATIONS (2):** Sometimes meets the performance standards. Seldom exceeds and often falls short of desired results

**NEEDS IMPROVEMENT (1):** Consistently falls short of performance standards.

### INSTRUCTIONS

**Describe the employee’s contributions in each of the performance categories below.** It is IMPERATIVE that you illustrate specific, detailed examples since the last performance evaluation. Ratings MUST support and be substantiated by narrative comments.

### PERSONAL ATTRIBUTES

Competency	COMMENTS	Score
<p><b>Quality</b> Completes high-quality work according to specifications. Thoroughly follows standards and procedures. Keeps complete records. Pays attention to details. Has a strong sense of quality and knows how to achieve it.</p>		
<p><b>Desire to Improve Quality</b> Continually looks for ways to improve and promote quality. Applies feedback to improve performance.</p>		
<p><b>Job Knowledge</b> Possesses skills and knowledge to perform the job competently.</p>		
<p><b>Communication</b> Organizes and expresses ideas and information clearly, using appropriate and efficient methods of conveying the information.</p>		
<p><b>Interpersonal Skills</b> Is sensitive to the needs, feelings and capabilities of others. Approaches others in a non-threatening and pleasant manner and treats them with respect.</p>		
<p><b>Conflict Resolution</b> Expresses alternative points of view in a non-threatening way. Knows when it is appropriate to compromise and when it is important to take a stand.</p>		
<p><b>Teamwork</b> Works on projects as part of a team, exchanging ideas and contributing skills that complement those of the other team members. Fulfills commitments to team members.</p>		
<p><b>Ethics</b> Maintains high level of character and a professional attitude. Is able to conform and promote the city's standards of conduct.</p>		
<p><b>Initiative</b> Strives to learn and improve. Seeks out ways to better himself/ herself and the city. Takes on responsibilities. Does not remain idle. Is hard working and self-motivated.</p>		

**Hungry**

Practices and exhibits passion, personal responsibility for the overall success of the team, and looks for opportunities to contribute outside area of responsibility.

- Exceptional
- Exceeds Expectations
- Meets Expectations
- Below Expectations
- Needs Improvement

Comments:

**Humble**

Compliments and praises others, shares credit for team accomplishments, readily acknowledges weaknesses, and offers/accepts apologies graciously.

- Exceptional
- Exceeds Expectations
- Meets Expectations
- Below Expectations
- Needs Improvement

Comments:

### People Smart

Understands the nuances of interpersonal situations (social awareness) and how words and actions impact others.

- Exceptional
- Exceeds Expectations
- Meets Expectations
- Below Expectations
- Needs Improvement

Comments:

Category	Score
----------	-------

QUALITY	
DESIRE TO IMPROVE QUALITY	
JOB KNOWLEDGE	
COMMUNICATION	
INTERPERSONAL SKILLS	
CONFLICT RESOLUTION	
TEAMWORK	
ETHICS	
INITIATIVE	
HUNGRY	
HUMBLE	
SMART	
<b>TOTAL</b>	

OVERALL SCORE (Total # divided by 12) = \_\_\_\_\_

I ACKNOWLEDGE THAT I HAVE RECEIVED THIS PERFORMANCE EVALUATION. I UNDERSTAND THAT I MAY RESPOND IN WRITING IF I DISAGREE WITH ANY PART OF THIS EVALUATION

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EVALUATOR SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE

**THIS CONCLUDES  
THE SCORING  
SECTION**

# DEVELOPMENT SECTION

## INSTRUCTIONS FOR DEVELOPMENT PLANS

Enter development plans to be worked on for the next review period.

Title:

Objectives:







# HR FORM 25 – OUTSIDE EMPLOYMENT REQUEST

Please be advised of my intention to engage in work outside the City of Madisonville. The employer, type of work I will be doing, and the work hours are as follows:

(1) Prospective Employer \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

(2) Type of work that I will be doing. (Explain in detail.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Work schedule. (Include the hours to be worked and the period of time you will be keeping the job. If you do not know, please state that below.)  
Hours \_\_\_\_\_  
Days \_\_\_\_\_  
Period of Employment \_\_\_\_\_

(4) I understand that my outside employment cannot conflict with my city work schedule or cause an actual or perceived conflict with my job duties as an employee of the city or my ethical responsibilities provided for in the Ethics Code. If the city determines that there is an actual or perceived conflict, I will be advised in writing by the mayor within 10 days from the date I submit this request to my department director. If I continue to maintain the outside employment without the approval of the city, I understand that I may be subject to disciplinary action.

(5) I am not presently involved in any job task or responsibility that may create a potential conflict of interest with the outside employer listed above. I agree that if in the future my job duties create an actual or perceived conflict, I will immediately notify the city and the Ethics Commission and take steps to avoid any conflict of interest.

Printed Name \_\_\_\_\_ Job Title \_\_\_\_\_

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



I, \_\_\_\_\_, department superintendent for \_\_\_\_\_ have reviewed the employee's job duties and assignments as to whether there is actual or perceived conflict.

Recommend  Not Recommend

Reason/Comment \_\_\_\_\_  
\_\_\_\_\_

Department Superintendent \_\_\_\_\_ Date \_\_\_\_\_

.....  
I have reviewed the employee's job duties and assignments as to whether there is actual or perceived conflict.

Recommend  Not Recommend

Reason/Comment \_\_\_\_\_  
\_\_\_\_\_

Mayor \_\_\_\_\_ Date \_\_\_\_\_

# HR FORM 26 – OUTSIDE EMPLOYMENT REQUEST FOR POLICE OFFICERS

Officer's Name \_\_\_\_\_

Present Duty Assignment \_\_\_\_\_

Hours Currently Assigned \_\_\_\_\_

Prospective Employer \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Type of work that I will be doing. (Explain in detail.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work schedule. (Include the hours to be worked and the period of time you will be keeping the job. If you do not know, please state that below.)

Hours \_\_\_\_\_

Days \_\_\_\_\_

Period of Employment \_\_\_\_\_

How likely will it be that you will be required to invoke police authority in this off-duty position?

\_\_\_\_\_

How likely will it be that you will be required to invoke arrest powers in this off-duty position?

\_\_\_\_\_

Will the off-duty employment require you to:

Wear a uniform?       YES       NO

Carry a weapon?       YES       NO

I certify that the above information is true. I have read the Outside Employment for Police Officers Policy and agree to abide by it. I certify that no aspect of this employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the city.

I will use this authorization only for the position and employer stated above and the employer listed above knows that I am an employee of the City of Madisonville.

Officer signature \_\_\_\_\_ Date \_\_\_\_\_



I have reviewed the employee's job duties and assignments as to whether there is actual or perceived conflict.

Recommend  Not Recommend

Reason/Comment \_\_\_\_\_

\_\_\_\_\_

Department Superintendent (if other than Police Chief) \_\_\_\_\_ Date \_\_\_\_\_

Police Chief \_\_\_\_\_ Date \_\_\_\_\_



I have reviewed the employee's job duties and assignments as to whether there is actual or perceived conflict.

Recommend  Not Recommend

Reason/Comment \_\_\_\_\_

\_\_\_\_\_

Mayor \_\_\_\_\_ Date \_\_\_\_\_



# HR FORM 27 – ACTIVE-DUTY MILITARY LEAVE NOTIFICATION

Name \_\_\_\_\_ Date \_\_\_\_\_

Department \_\_\_\_\_

Date of Leave \_\_\_\_\_ Approximate Date of Return \_\_\_\_\_

If leave, is expected to extend beyond your paid leave, do you wish to continue your voluntary benefits?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please list the benefit and amount below.  
(Examples: FSA, Life Insurance, Family Health Insurance, United Way payroll deductions)

Benefit	Amount
_____	_____
_____	_____
_____	_____

You will need to indicate how you would like to pay your premium(s) and or contributions below.

\_\_\_\_\_ Monthly \_\_\_\_\_ Quarterly \_\_\_\_\_ Annually

Payments are due as follows. \_\_\_\_\_  
\_\_\_\_\_

If payments are not made as indicated, you are subject to losing coverage and or benefit.

Written order attached? \_\_\_\_\_ Yes \_\_\_\_\_ No

NOTE: You are not required to provide written orders until you have been on leave more than 30 days. Once you have exceeded 30 days you will need to submit a copy of your orders to the city to ensure your eligibility under the Uniformed Services Employments and Reemployment Rights Act (USERRA).

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

Department Superintendent Signature \_\_\_\_\_ Date \_\_\_\_\_

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

\*\*\*\*\*

Office Use Only

Date Received \_\_\_\_\_ Copy to Payroll \_\_\_\_\_ Copy of Orders \_\_\_\_\_

# HR FORM 28 - FMLA WH-381 - NOTICE OF RIGHTS & RESPONSIBILITIES



## Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act

U.S. Department of Labor  
Wage and Hour Division

DO NOT SEND TO THE DEPARTMENT OF LABOR.  
PROVIDE TO EMPLOYEE.

In general, to be eligible to take leave under the Family and Medical Leave Act (FMLA), an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. §§ 825.300(b), (c) which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

Date: \_\_\_\_\_ (mm/dd/yyyy)

From: \_\_\_\_\_ (Employer) To: \_\_\_\_\_ (Employee)

On \_\_\_\_\_ (mm/dd/yyyy), we learned that you need leave (beginning on) \_\_\_\_\_ (mm/dd/yyyy) for one of the following reasons: (Select as appropriate)

- The birth of a child, or placement of a child with you for adoption or foster care, and to bond with the newborn or newly-placed child
- Your own serious health condition
- You are needed to care for your family member due to a serious health condition. Your family member is your:
  - Spouse       Parent       Child under age 18       Child 18 years or older and incapable of self-care because of a mental or physical disability
- A qualifying exigency arising out of the fact that your family member is on covered active duty or has been notified of an impending call or order to covered active-duty status. Your family member on covered active duty is your:
  - Spouse       Parent       Child of any age
- You are needed to care for your family member who is a covered servicemember with a serious injury or illness. You are the servicemember's:
  - Spouse       Parent       Child       Next of kin

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. The terms "child" and "parent" include *in loco parentis* relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave to care for an individual who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave to care for a child for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.



## SECTION I – NOTICE OF ELIGIBILITY

This Notice is to inform you that you are:

- Eligible** for FMLA leave. (See Section II for any Additional Information Needed and Section III for information on your Rights and Responsibilities.)
- Not eligible** for FMLA leave because: (Only one reason need be checked)
  - You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately: \_\_\_\_\_ towards this requirement.  
(months)
  - You have not met the FMLA's 1,250 hours of service requirement. As of the first date of requested leave, you will have worked approximately: \_\_\_\_\_ towards this requirement.
  - You are an airline flight crew employee and you have not met the special hours of service eligibility requirements for airline flight crew employees as of the first date of requested leave (i.e., worked or been paid for at least 60% of your applicable monthly guarantee, and worked or been paid for at least 504 duty hours.)
  - You do not work at and/or report to a site with 50 or more employees within 75-miles as of the date of your request.

If you have any questions, please contact: Lynn Owens at (270) 824-2100.

## SECTION II – ADDITIONAL INFORMATION NEEDED

As explained in Section I, you meet the eligibility requirements for taking FMLA leave. Please review the information below to determine if additional information is needed in order for us to determine whether your absence qualifies as FMLA leave. Once we obtain any additional information specified below, we will inform you, **within 5 business days**, whether your leave will be designated as FMLA leave and count towards the FMLA leave you have available. **If complete and sufficient information is not provided in a timely manner, your leave may be denied.**

(Select as appropriate)

- No additional information requested. If no additional information requested, go to Section III.
- We request that the leave be supported by a certification, as identified below.
  - Health Care Provider for the Employee
  - Health Care Provider for the Employee's Family Member
  - Qualifying Exigency
  - Serious Illness or Injury (Military Caregiver Leave)

Selected certification form is  attached /  not attached.

If requested, medical certification must be returned by \_\_\_\_\_mm/dd/yyyy) (Must allow at least 15 calendar days from the date the employer requested the employee to provide certification, unless it is not feasible despite the employee's diligent, good faith efforts.)

- We request that you provide reasonable documentation or a statement to establish the relationship between you and your family member, including *in loco parentis* relationships (as explained on page one). The information requested must be returned to us by \_\_\_\_\_mm/dd/yyyy). You may choose to provide a simple statement of the relationship or provide documentation such as a child's birth certificate, a court document, or documents regarding foster care or adoption-related activities. Official documents submitted for this purpose will be returned to you after examination.

The information requested must be returned to us by \_\_\_\_\_mm/dd/yyyy).

If you have any questions, please contact: Lynn Owens at (270) 824-2100

## SECTION III – NOTICE OF RIGHTS AND RESPONSIBILITIES

### **Part A: FMLA Leave Entitlement**

You have a right under the FMLA to take unpaid, job-protected FMLA leave in a 12-month period for certain family and medical reasons, including up to **12 weeks** of unpaid leave in a 12-month period for the birth of a child or placement of a child for adoption or foster care, for leave related to your own or a family member's serious health condition, or for certain qualifying exigencies related to the deployment of a military member to covered active duty. You also have a right under the FMLA to take up to **26 weeks** of unpaid, job-protected FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness (*Military Caregiver Leave*).

The 12-month period for FMLA leave is calculated as: *(Select as appropriate)*

- The calendar year (January 1<sup>st</sup> - December 31<sup>st</sup>)
- A fixed leave year based on \_\_\_\_\_  
*(e.g., a fiscal year beginning on July 1 and ending on June 30)*
- The 12-month period measured forward from the date of your first FMLA leave usage.
- A "rolling" 12-month period measured backward from the date of any FMLA leave usage. *(Each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the 12 months immediately before the FMLA leave is to start.)*

If applicable, the single 12-month period for *Military Caregiver Leave* started on \_\_\_\_\_ (mm/dd/yyyy).

**You**  *are* /  *are not* **considered a key employee** as defined under the FMLA. Your FMLA leave cannot be denied for this reason; however, we may not restore you to employment following FMLA leave if such restoration will cause substantial and grievous economic injury to us.

We  *have* /  *have not* determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. Additional information will be provided separately concerning your status as key employee and restoration.

### **Part B: Substitution of Paid Leave – When Paid Leave is Used at the Same Time as FMLA Leave**

You have a right under the FMLA to request that your accrued paid leave be substituted for your FMLA leave. This means that you can request that your accrued paid leave run concurrently with some or all of your unpaid FMLA leave, provided you meet any applicable requirements of our leave policy. Concurrent leave use means the absence will count against both the designated paid leave and unpaid FMLA leave at the same time. If you do not meet the requirements for taking paid leave, you remain entitled to take available unpaid FMLA leave in the applicable 12-month period. Even if you do not request it, the FMLA allows us to require you to use your available sick, vacation, or other paid leave during your FMLA absence.

*(Check all that apply)*

- Some or all of your FMLA leave will not be paid.** Any unpaid FMLA leave taken will be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- You have requested to use some or all of your available paid leave** *(e.g., sick, vacation, PTO)* during your FMLA leave. Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- We are requiring you to use some or all of your available paid leave** *(e.g., sick, vacation, PTO)* during your FMLA leave. Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

**Other:** (e.g., short- or long-term disability, workers' compensation, state medical leave law, etc.) \_\_\_\_\_ Any time taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

The applicable conditions for use of paid leave include: \_\_\_\_\_.

For more information about conditions applicable to sick/vacation/other paid leave usage please refer to \_\_\_\_\_ available at: \_\_\_\_\_.

Employee Name: \_\_\_\_\_

**Part C: Maintain Health Benefits**

Your health benefits must be maintained during any period of FMLA leave under the same conditions as if you continued to work. During any paid portion of FMLA leave, your share of any premiums will be paid by the method normally used during any paid leave. During any unpaid portion of FMLA leave, you must continue to make any normal contributions to the cost of the health insurance premiums. To make arrangements to continue to make your share of the premium payments on your health insurance while you are on any unpaid FMLA leave, contact Kristi Stobaugh at (270) 824.2100.

You have a minimum grace period of (30-days or \_\_\_\_\_ indicate longer period, if applicable) in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

You may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave if you do not return to work following **unpaid** FMLA leave for a reason other than: the continuation, recurrence, or onset of your or your family member's serious health condition which would entitle you to FMLA leave; or the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or other circumstances beyond your control.

**Part D: Other Employee Benefits**

Upon your return from FMLA leave, your other employee benefits, such as pensions or life insurance, must be resumed in the same manner and at the same levels as provided when your FMLA leave began. To make arrangements to continue your employee benefits while you are on FMLA leave, contact Kristi Stobaugh at (270) 824-2100.

**Part E: Return-to-Work Requirements**

You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. An equivalent position is one that is virtually identical to your former position in terms of pay, benefits, and working conditions. At the end of your FMLA leave, all benefits must also be resumed in the same manner and at the same level provided when the leave began. You do not have return-to-work rights under the FMLA if you need leave beyond the amount of FMLA leave you have available to use.

**Part F: Other Requirements While on FMLA Leave**

While on leave you (will be / will not be) required to furnish us with periodic reports of your status and intent to return to work every 2 weeks.

*Indicate interval of periodic reports, as appropriate for the FMLA leave situation).* **If the circumstances of your leave change and you are able to return to work earlier than expected, you will be required to notify us at least two workdays prior to the date you intend to report for work.**

Page 4 of 4

DO NOT SEND THE COMPLETED FORM TO THE DEPARTMENT OF LABOR. EMPLOYEE INFORMATION.

# HR FORM 29 - FMLA WH-382 DESIGNATION NOTICE

## Designation Notice under the Family and Medical Leave Act

## U.S. Department of Labor Wage and Hour Division



DO NOT SEND TO THE DEPARTMENT OF LABOR. PROVIDE TO EMPLOYEE.

OMB Control Number: 1235-0003  
Expires: 6/30/2026

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form is optional, a fully completed Form WH-382 provides employees with the information required by 29 C.F.R. §§ 825.300(d), 825.301, and 825.305(c), which must be provided within five business days of the employer having enough information to determine whether the leave is for an FMLA-qualifying reason. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

### SECTION I - EMPLOYER

The employer is responsible in **all** circumstances for designating leave as FMLA-qualifying and giving notice to the employee. Once an eligible employee communicates a need to take leave for an FMLA-qualifying reason, an employer may not delay designating such leave as FMLA leave, and neither the employee nor the employer may decline FMLA protection for that leave.

Date: \_\_\_\_\_ (mm/dd/yyyy)

From: \_\_\_\_\_ (Employer) To: \_\_\_\_\_ (Employee)

On \_\_\_\_\_ (mm/dd/yyyy) we received your most recent information to support your need for leave due to:  
(Select as appropriate)

- The birth of a child, or placement of a child with you for adoption or foster care, and to bond with the newborn or newly-placed child
- Your own serious health condition
- The serious health condition of your spouse, child, or parent
- A qualifying exigency arising out of the fact that your spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty with the Armed Forces
- A serious injury or illness of a covered servicemember where you are the servicemember's spouse, child, parent, or next of kin (Military Caregiver Leave)

**We have reviewed information related to your need for leave under the FMLA along with any supporting documentation provided and decided that your FMLA leave request is:** (Select as appropriate)

- Approved.** All leave taken for this reason will be designated as FMLA leave. Go to Section III for more information.
- Not Approved:** (Select as appropriate)
  - The FMLA does not apply to your leave request.
  - As of the date the leave is to start, you do not have any FMLA leave available to use.
  - Other \_\_\_\_\_
- Additional information** is needed to determine if your leave request qualifies as FMLA leave. (Go to Section II for the specific information needed. If your FMLA leave request is approved and no additional information is needed, go to Section III.)

## SECTION II – ADDITIONAL INFORMATION NEEDED

We need additional information to determine whether your leave request qualifies under the FMLA. Once we obtain the additional information requested, we will inform you **within 5 business days** if your leave will or will not be designated as FMLA leave and count towards the amount of FMLA leave you have available. **Failure to provide the additional information as requested may result in a denial of your FMLA leave request.**

If you have any questions, please contact: Lynn Owens at (270) 824-2100.

### Incomplete or Insufficient Certification

The certification you have provided is incomplete and/or insufficient to determine whether the FMLA applies to your leave request. *(Select as applicable)*

- The certification provided is incomplete and we are unable to determine whether the FMLA applies to your leave request. *“Incomplete” means one or more of the applicable entries on the certification have not been completed.*
- The certification provided is insufficient to determine whether the FMLA applies to your leave request. *“Insufficient” means the information provided is vague, unclear, ambiguous or non-responsive.*

Specify the information needed to make the certification complete and/or sufficient:

You must provide the requested information no later than *(provide at least 7 calendar days)* \_\_\_\_\_ *(mm/dd/yyyy)*, unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

### Second and Third Opinions

- We request that you obtain a ( second /  third opinion) medical certification at our expense, and we will provide further details at a later time. *Note: The employee or the employee’s family member may be requested to authorize the health care provider to release information pertaining only to the serious health condition at issue.*

## SECTION III – FMLA LEAVE APPROVED

As explained in Section I, your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave and will count against the amount of FMLA leave you have available to use in the applicable 12-month period. The FMLA requires that you notify us as soon as practicable if the dates of scheduled leave change, are extended, or were initially unknown. Based on the information you have provided to date; we are providing the following information about the amount of time that will be counted against the total **amount of FMLA leave** you have available to use in the applicable 12-month period: *(Select as appropriate)*

- Provided there is no change from your **anticipated FMLA leave schedule**, the following number of hours, days, or weeks will be counted against your leave entitlement: \_\_\_\_\_.
- Because the leave you will need will be **unscheduled**, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised: *(check all that apply)*

- Some or all of your FMLA leave will not be paid.** Any unpaid FMLA leave taken will be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- Based on your request, some or all of your available paid leave** *(e.g., sick, vacation, PTO)* **will be used during your FMLA leave.** Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- We are requiring you to use some or all of your available paid leave** *(e.g., sick, vacation, PTO)* **during your FMLA leave.** Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- Other:** \_\_\_\_\_  
*(e.g., Short- or long-term disability, workers’ compensation, state medical leave law, etc.)* Any time taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

**Return-to-work requirements.** To be restored to work after taking FMLA leave, you ( will be /  will not be) required to provide a certification from your health care provider (fitness-for-duty certification) that you are able to resume work. This request for a fitness-for-

duty certification is *only* with regard to the particular serious health condition that caused your need for FMLA leave. **If such certification is not timely received, your return to work may be delayed until the certification is provided.**

A list of the essential functions of your position ( is /  is not) attached. If attached, the fitness-for-duty certification must address your ability to perform the essential job functions.

#### **PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-302, 200 Constitution Avenue, NW Washington D.C 20210

**DO NOT SEND THE COMPLETED FORM TO THE DEPARTMENT OF LABOR. EMPLOYEE INFORMATION.**

# HR Form 30-FMLA WH-380E Certification of Health Care Provider

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee **at least 15 calendar days** to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

## SECTION I – EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R.

§ 825.306. **You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308.** Additionally, you **may not** request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employee name: \_\_\_\_\_  
*First Middle Last*

Employer name: City of Madisonville Date: \_\_\_\_\_ (mm/dd/yyyy)  
*(List date certification requested)*

The medical certification must be returned by \_\_\_\_\_ (mm/dd/yyyy)  
*(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)*

Employee's job title: \_\_\_\_\_ Job description ( is / is not) attached.  
Employee's regular work schedule: \_\_\_\_\_ Statement  
of the employee's essential job functions: \_\_\_\_\_

*(The essential functions of the employee's position are determined with reference to the position the employee held at the time the employee notified the employer of the need for leave or the leave started, whichever is earlier.)*

## SECTION II - HEALTH CARE PROVIDER

Please provide your contact information, complete all relevant parts of this Section, and sign the form. Your patient has requested leave under the FMLA. The FMLA allows an employer to require that the employee submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of the employee. For FMLA purposes, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves *inpatient care* or *continuing treatment by a health care provider*. For more information about the definitions of a serious health condition under the FMLA, see the chart on page 4.

You may, but are **not required** to, provide other appropriate medical facts including symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment. Please note that some state or local laws may not allow of disclosure of private medical information about the patient's serious health condition, such as providing the diagnosis and/or course of treatment.

Employee name: \_\_\_\_\_

Health Care Provider's name: (print) \_\_\_\_\_

Health Care Provider's business address: \_\_\_\_\_

Type of practice/Medical Specialty: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### PART A: Medical Information

Limit your response to the medical condition(s) for which the employee is seeking FMLA leave. Your answers should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. **After completing Part, A, complete Part B to provide information about the amount of leave needed.** Note: For FMLA purposes, "incapacity" means the inability to work, attend school, or perform regular daily activities due to the condition, treatment of the condition, or recovery from the condition. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b).

- (1) State the approximate date the condition started or will start: \_\_\_\_\_ (mm/dd/yyyy)
- (2) Provide your best estimate of how long the condition lasted or will last:
- (3) Check the box(es) for the questions below, as applicable. For all box(es) checked, the amount of leave needed must be provided in Part B.

**Inpatient Care:** The patient ( has been /  is expected to be) admitted for an overnight stay in a hospital, hospice, or residential medical care facility on the following date(s): \_\_\_\_\_

**Incapacity plus Treatment:** (e.g., outpatient surgery, strep throat)

Due to the condition, the patient ( has been /  is expected to be) incapacitated for *more than* three consecutive, full calendar days from \_\_\_\_\_ (mm/dd/yyyy) to \_\_\_\_\_ (mm/dd/yyyy).

The patient ( was /  will be) seen on the following date(s):

The condition ( has /  has not) also resulted in a course of continuing treatment under the supervision of a health care provider (e.g., prescription medication (other than over-the-counter) or therapy requiring special equipment)

**Pregnancy:** The condition is pregnancy. List the expected delivery date: \_\_\_\_\_ (mm/dd/yyyy).



- Chronic Conditions:** (e.g., asthma, migraine headaches) Due to the condition, it is medically necessary for the patient to have treatment visits at least twice per year.
- Permanent or Long Term Conditions:** (e.g. Alzheimer's, terminal stages of cancer) Due to the condition, incapacity is permanent or long term and requires the continuing supervision of a health care provider (even if active treatment is not being provided).
- Conditions requiring Multiple Treatments:** (e.g., chemotherapy treatments, restorative surgery) Due to the condition, it is medically necessary for the patient to receive multiple treatments.
- None of the above: if none of the above conditions (s) were checked, (i.e., inpatient care, pregnancy) no additional information is needed. Go to page 4 to sign and date the form.

**PART B: Amount of Leave Needed**

For the medical condition(s) checked in Part A, complete all that apply. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage.

(4) Due to the condition, the patient ( had /  will have) **planned medical treatment(s)** (scheduled medical visits) (e.g., psychotherapy, prenatal appointments) on the following date(s):

(5) Due to the condition, the patient ( was /  will be) **referred to other health care provider(s)** for evaluation or treatment(s).

State the nature of such treatments: (e.g., cardiologist, physical therapy) \_\_\_\_\_  
 Provide your **best estimate** of the beginning date (mm/dd/yyyy) and end date \_\_\_\_\_  
 (mm/dd/yyyy) for the treatment(s). \_\_\_\_\_  
 Provide your **best estimate** of the duration of the treatment(s), including any period(s) of recovery (e.g., 3 days/week)

(6) Due to the condition, it is medically necessary for the employee to work a **reduced schedule**.

Provide your **best estimate** of the reduced schedule the employee is able to work. From \_\_\_\_\_  
 (mm/dd/yyyy) to (mm/dd/yyyy) the employee is able to work: (e.g., 5 hours/day, up to 25 hours a week)

(7) Due to the condition, the patient ( was /  will be) **incapacitated for a continuous period of time**, including any time for treatment(s) and/or recovery.

Provide your **best estimate** of the beginning date \_\_\_\_\_  
 (mm/dd/yyyy) for the period of incapacity. \_\_\_\_\_  
 (mm/dd/yyyy) and end date \_\_\_\_\_

(8) Due to the condition, it ( was /  is /  will be) medically necessary for the employee to be absent from work on an **intermittent basis** (periodically), including for any episodes of incapacity i.e., episodic flare-ups. Provide your **best estimate** of how often (frequency) and how long (duration) the episodes of incapacity will likely last.

Over the next 6 months, episodes of incapacity are estimated to occur \_\_\_\_\_ times per (day / week / month) and are likely to last approximately (hours / days) per episode.

## PART C: Essential Job Functions

If provided, the information in Section I question #4 may be used to answer this question. If the employer fails to provide a statement of the employee's essential functions or a job description, answer these questions based upon the employee's own description of the essential job functions. An employee who must be absent from work to receive medical treatment(s), such as scheduled medical visits, for a serious health condition is considered to be *not able* to perform the essential job functions of the position during the absence for treatment(s).

(9) Due to the condition, the employee ( was not able /  is not able /  will not be able) to perform *one or more* of the essential job function(s). Identify at least one essential job function the employee is not able to perform:

Signature of

Health Care Provider Date \_\_\_\_\_ (mm/dd/yyyy)

### Definitions of a Serious Health Condition (See 29 C.F.R. §§ 825.113-.115)

#### Inpatient Care

- An overnight stay in a hospital, hospice, or residential medical care facility.
- Inpatient care includes any period of incapacity or any subsequent treatment in connection with the overnight stay.

#### Continuing Treatment by a Health Care Provider (any one or more of the following)

**Incapacity Plus Treatment:** A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either:

- Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,

At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.

**Pregnancy:** Any period of incapacity due to pregnancy or for prenatal care.

**Chronic Conditions:** Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.

**Permanent or Long-term Conditions:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.

**Conditions Requiring Multiple Treatments:** Restorative surgery after an accident or other injury; or, a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment.

#### PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 15 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.**

# HR Form 31 - FMLA WH-380-F Certification Of Health Care Provider for Family Member's Serious Health Condition

Please return form to patient. The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave to care for a family member with a serious health condition to submit a medical certification issued by the family member's health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee **at least 15 calendar days** to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

## SECTION I – EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R. § 825.306. **You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308.** Additionally, you **may not** request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

- (1) Employee name: \_\_\_\_\_
- (2) Employer name: \_\_\_\_\_ Date: \_\_\_\_\_
- (3) The medical certification must be returned by \_\_\_\_\_

(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

## SECTION II – EMPLOYEE

Please complete and sign Section II before providing this form to your family member or your family member's health care provider. The FMLA allows an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of your family member. If requested by your employer, your response is required to obtain or retain the benefit of the FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). **You are responsible for making sure the medical certification is provided to your employer within the time frame requested, which must be at least 15 calendar days.** 29 C.F.R. §§ 825.305-825.306. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA leave request. 29 C. F. R. § 825.313.

- (1) Name of the family member for whom you will provide care: \_\_\_\_\_
- (2) Select the relationship of the family member to you. The family member is your:
  - Spouse     Parent     Child, under age 18
  - Child, 18 or older and incapable of self-care because of a mental or physical disability

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. The terms "child" and "parent" include *in loco parentis* relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave to care for an individual who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave e for a child for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.

Employee Name: \_\_\_\_\_

(3) Briefly describe the care you will provide to your family member: *(check all that apply)*

Assistance with basic medical, hygienic, nutritional, or safety needs  Transportation

Physical Care  Psychological Comfort  Other \_\_\_\_\_

(4) Give your best estimate of the amount of leave needed to provide the care described: \_\_\_\_\_

(5) If a **reduced work schedule** is necessary to provide the care described, give your **best estimate** of the reduced schedule you are able to work. From \_\_\_\_\_ to \_\_\_\_\_. I am able to work \_\_\_\_\_ hours per day \_\_\_\_\_ hours per week.

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

### SECTION III - HEALTH CARE PROVIDER

Please provide your contact information, complete all relevant parts of this Section, and sign the form below. A family member of your patient has requested leave under the FMLA to care for your patient. The FMLA allows an employer to require that the employee submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a family member with a serious health condition. For FMLA purposes, a "serious health condition" means an illness, injury, impairment, or physical or mental condition *treatment by a health care provider*. For more information about the definitions of a serious health condition under the FMLA, see the chart at the end of the form.

You also may, but are **not required** to, provide other appropriate medical facts including symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment. Please note that some state or local laws may not allow disclosure of private medical information about the patient's serious health condition, such as providing the diagnosis and/or course of treatment.

Health Care Provider's name: (print) \_\_\_\_\_

Health Care Provider's business address: \_\_\_\_\_

Type of practice/Medical Specialty: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

#### **PART A: Medical Information**

Limit your response to the medical condition for which the employee is seeking FMLA leave. Your answers should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. **After completing Part A, complete Part B to provide information about the amount of leave needed.** Note: For FMLA purposes, "incapacity" means the inability to work, attend school, or perform regular daily activities due to the condition, treatment of the condition, or recovery from the condition. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b).

(1) Patient's Name: \_\_\_\_\_

(2) State the approximate date the condition started or will start: \_\_\_\_\_

(3) Provide your best estimate of how long the condition lasted or will last: \_\_\_\_\_

(4) Form FMLA to apply, care of the patient must be medically necessary. Briefly describe the type of care needed by the patient (e.g., assistance with basic medical, hygienic, nutritional, safety, transportation needs, physical care, or psychological comfort. \_\_\_\_\_

(5) Check the box(es) for the questions below, as applicable. For all box(es) checked, the amount of leave needed must be provided in Part B.

**Inpatient Care:** The patient  has been/  is expected to be admitted for an overnight stay in a hospital, hospice, or residential medical care facility on the following date (s) \_\_\_\_\_

**Incapacity plus Treatment** (e.g., outpatient surgery, strep throat)

Due to the condition, the patient  has been/  is expected to be incapacitated for more than three consecutive, full calendar days from \_\_\_\_\_ to \_\_\_\_\_

The patient  was/  will be seen on the following date(s) \_\_\_\_\_

The condition  has/  has not, also resulted in a course of continuing treatment under the supervision of a health care provider (e.g., prescription medication (other than over the counter) or therapy requiring special equipment

**Pregnancy:** The condition is pregnancy. List the expected delivery date: \_\_\_\_\_

**Chronic Conditions** : (e.g., asthma, migraine headaches) Due to the condition, it is medically necessary for the patient to have treatment visits at least twice per year.

**Permanent or Long-Term Condition:** (e.g., Alzheimer's, terminal stages of cancer) Due to the condition, incapacity is permanent or long term and requires the continuing supervision of a health care provider (even if active treatment is not being provided).

**Conditions requiring Multiple Treatments:** (e.g., chemotherapy treatments, restorative surgery) Due to the condition, it is medically necessary for the patient to receive multiple treatments.

**None of the above:** If none of the above condition(s) were checked, no additional information is needed. Go to page 4 to sign and date the form.

(6) If needed, briefly describe other appropriate medical facts related to the condition(s) for which the employee seeks FMLA leave (e.g., use of nebulizer, dialysis) \_\_\_\_\_

### PART B: Amount of Leave Needed

For the medical condition(s) checked in Part A, complete all that apply. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage.

(7) Due to the condition, the patient ( was /  will be) **incapacitated for a continuous period of time**, including any time for treatment(s) and/or recovery.

(8) Provide your **best estimate** of the beginning date \_\_\_\_\_ and end date \_\_\_\_\_ (mm/dd/yyyy) for the period of incapacity.

(9) (mm/dd/yyyy) and end date \_\_\_\_\_

(10) Due to the condition, it ( was /  is /  will be) medically necessary for the employee to be absent from work on an **intermittent basis** (periodically), including for any episodes of incapacity i.e., episodic flare-ups. Provide your **best estimate** of how often (frequency) and how long (duration) the episodes of incapacity will likely last.

Over the next 6 months, episodes of incapacity are estimated to occur \_\_\_\_\_ times per ( day / week / month) and are likely to last approximately ( hours / days) per episode.

**Signature of**

**Health Care Provider** \_\_\_\_\_ **Date** \_\_\_\_\_ (mm/dd/yyyy)

**Definitions of a Serious Health Condition (See 29 C.F.R. §§ 825.113-.115)**

**Inpatient Care**

- An overnight stay in a hospital, hospice, or residential medical care facility.
- Inpatient care includes any period of incapacity or any subsequent treatment in connection with the overnight stay.

**Continuing Treatment by a Health Care Provider (any one or more of the following)**

**Incapacity Plus Treatment:** A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either:

- Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,
- At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.

**Pregnancy:** Any period of incapacity due to pregnancy or for prenatal care.

**Chronic Conditions:** Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.

**Permanent or Long-term Conditions:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.

**Conditions Requiring Multiple Treatments:** Restorative surgery after an accident or other injury; or, a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment.

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 15 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.**

# HR FORM 32- FMLA MEDICAL RELEASE RETURN TO WORK

(To be completed by health care provider)

Page 1 of 2

Due Date of Form \_\_\_\_\_

Employee Name \_\_\_\_\_

Position \_\_\_\_\_

Department \_\_\_\_\_

**NOTE TO THE EMPLOYEE:** It is the responsibility of the employee to have their treating physician(s) complete this form. It is the responsibility of the employee to ensure that the form is returned to the human resources department by \_\_\_\_\_.

## Health Care Provider Instructions

Complete this section by marking the applicable statements, providing the requested information and sign and date where indicated. You may provide comments on a separate sheet if you need additional space. Please review the attached list of essential job functions in answering the following questions.

1. Please review the attached list of essential job functions. Is the employee currently able to perform the essential function of their job?

No  Yes  Yes, with restrictions and/or accommodations.

2. In reviewing the list of essential functions of the employee's job, list any medically necessary restrictions that the employee has in returning to active employment.

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3. Are the medically necessary restrictions permanent or temporary? If temporary, please describe an anticipated timeline for the employee to reach maximum medical improvement.

Permanent     Temporary

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4. If the medical condition of the employee will change over time, please describe these changes as they relate the capability of the employee to perform the essential functions of their job.

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5. Is there other information related to work that the city should be aware of that would assist the employee in a successful return to active employment?

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Name of Health Care Provider \_\_\_\_\_

Specialty \_\_\_\_\_

Address \_\_\_\_\_

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Signature of Health Care Provider \_\_\_\_\_

Date \_\_\_\_\_



## HR FORM 33 - ATTESTATION OF OUTSIDE COVERAGE

(New Hires – **do not complete this form** if you plan to enroll in City of Madisonville Medical coverage)

Employee Name (print) \_\_\_\_\_

Address \_\_\_\_\_

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Last 4 digits of Social Security Number \_\_\_\_\_

I attest that I am enrolled in, or immediately will enroll in, one of the following types of coverage: (1) employer-sponsored medical health coverage through the employer of my spouse or parent; (2) individual health insurance coverage enrolled in through the Health Insurance Marketplace (also known as the Health Insurance Exchange); (3) MEDICAID; (4) MEDICARE; (5) TRICARE; (6) Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA); or (7) other coverage that provides comprehensive health benefits (for example, health insurance purchased directly from an insurance company or health insurance provided through a student health plan.)

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Other Health Insurance Coverage Information:

My other coverage is through \_\_\_\_\_

Policy number of other coverages \_\_\_\_\_

Effective date other coverage \_\_\_\_\_

**Note: We must have a copy of your current health insurance/insurance card submitted with this form**

# HR FORM 36 - POLICY CONCERNING CONFIDENTIAL INFORMATION

As an employee of the City of Madisonville, I understand and acknowledge that I may have access to or otherwise acquire business records, filings, confidential and/or proprietary information. I agree to exercise the highest degree of care in safeguarding such information, and I will take all steps reasonably necessary to insure the maintenance of the confidential and/or proprietary information. I further agree that such information shall not be disclosed to any person or entity other than an employee of the City of Madisonville who has a valid reason to receive such information or to any other person authorized to receive same. I will not use confidential and/or proprietary information acquired by me as a city employee for financial gain, advantage or benefit. I understand the unauthorized disclosure of confidential and/or proprietary information or the use thereof for improper financial gain shall be grounds for termination of my employment.

Employee Name (print) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

## **HR Form 37- Acknowledgment of Acceptable Use of Computer Technology Policy**

I have been advised of the city's Information Technology Acceptable Use Policy, as well as the Employee Guidelines for Participating in Social Media and have been given the opportunity to ask questions. I fully understand the terms of this policy and agree to abide by them. I realize that the city may incorporate monitoring software and may record, for management's use, the internet address of any site I visit. The city may keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive will be recorded and stored in an archive file for management's use. These archives may be accessed by law enforcement agencies when required legal processes are executed. I know that any violation of this policy could lead to dismissal or applicable criminal prosecution.

Employee Name (print) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

## HR FORM 38 - FMCSA LIMITED QUERY CONSENT FORM

I, \_\_\_\_\_, hereby provide consent to The City of Madisonville to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. I understand this consent will be used to conduct an annual limited query of the FMCSA Clearinghouse for the entire time I am employed with the City of Madisonville. I understand that if the limited query conducted by The City of Madisonville indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to The City of Madisonville without first obtaining additional specific consent from me. I further understand that if I refuse to provide consent for The City of Madisonville to conduct a limited query of the Clearinghouse, The City of Madisonville must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Name (print) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

**HR FORM 39-  
NOTIFICATION AND CONSENT FORM FOR  
PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING**

I acknowledge that I have seen the City of Madisonville’s Pre-employment Drug and Alcohol Testing Policy. I hereby consent to undergo drug and alcohol testing pursuant to said policy, and I authorize the City of Madisonville through its agents and employees to collect a breath and/or urine and/or blood sample from me for that purpose.

I understand that the procedure employed in this process will ensure the integrity of the sample and is designed to comply with medicolegal requirements. I understand that the results of this drug testing may be discussed with and/or made available to the City of Madisonville. I further understand that the results of this testing may affect my job offer as described in the policy.

The purpose of collecting a body component sample of breath, blood, or urine is to test that sample for the presence of drugs and alcohol. A sample provided for drug and alcohol testing will not be tested for any other purpose. The name, initials and social security number of the person providing the sample may be requested so that the sample can be identified accurately but confidentially. Information about medications and other information relevant to the reliability of, or explanation for, a positive test result is requested to ensure that the test is reliable and to determine whether there is a valid medical reason for any drug, alcohol, or their metabolites in the sample. All data collected, including that in the notification form and the test report, is intended for use in determining the suitability of the job applicant for employment. The job applicant may refuse to supply the requested data; however, refusal to supply the requested data may affect the job applicant’s job offer.

A Medical Review Officer may only disclose to the City of Madisonville test result data regarding presence or absence of drugs, alcohol, or their metabolites, in a sample tested. The City of Madisonville or laboratory may not disclose the test result reports and other information acquired in the drug testing process to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the person tested, unless permitted by law or court order.

I further agree to hold harmless the City of Madisonville and its agents from any liability arising in whole or part out of the collection of specimens, testing, and use of the information from said testing in connection with the City of Madisonville’s consideration of my employment application.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

\_\_\_\_\_  
Applicant Name (Please Print or Type)

\_\_\_\_\_  
Position Being Considered for and Department

\_\_\_\_\_  
Applicant Signature

Date \_\_\_\_\_

\_\_\_\_\_  
Print Witness (Hiring Authority)

Date \_\_\_\_\_

HR Signature

## HR Form 40- Release of Information Form (49 CFR Part 40 Drug & Alcohol Testing)

**Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:**

Employee Printed or Typed Name: \_\_\_\_\_

Employee SS or ID Number: \_\_\_\_\_

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in *Section I-B*, to the employer listed in *Section I-A*. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in *Section II-A* by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I-A.**

City of Madisonville, KY

67 N. Main Street

Madisonville, KY 42431 Phone: 270-824-2100 Fax: 270-824-2182 (confidential line)

Designated Employer Representative: Kristi Stobaugh, HR Manager or Lynn Owens, HR Director

**I-B.**

Previous Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Designated Employer Representative: \_\_\_\_\_

**Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:**

**II-A.** In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing ~

1. Did the employee have alcohol tests with a result of 0.04 or higher? YES \_\_\_\_\_ NO \_\_\_\_\_
2. Did the employee have verified positive drug tests? YES \_\_\_\_\_ NO \_\_\_\_\_
3. Did the employee refuse to be tested?
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? YES \_\_\_\_\_ NO \_\_\_\_\_
5. Did a previous employer report a drug and alcohol rule violation to you? YES \_\_\_\_\_ NO \_\_\_\_\_
6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? YES \_\_\_\_\_ NO \_\_\_\_\_  
N/A \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_

*NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).*

# HR FORM 41- EMPLOYEE NAME CHANGE VERIFICATION FORM

Employment Status: (check a box below)		Employee Number:	
<input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Seasonal <input type="checkbox"/> Temp			
Employee New Legal Name (as it appears on your <u>NEW Social Security Card</u> ):			
Last Name:		First Name:	Middle Initial:
Previous Legal Name:			
Last Name:		First Name:	Middle Initial:
Effective Date of Change:		Reason for Name Change:	
		<input type="checkbox"/> Marriage <input type="checkbox"/> Divorce <input type="checkbox"/> Adoption <input type="checkbox"/> Other	
Employee Signature:		Date:	
<b>***Please attach a copy of your <u>NEW Social Security Card and other supporting documentation (i.e. marriage cert./divorce decree)</u>***</b>			
<b>***Submit to the Human Resources Department via one of the following methods***</b>			
<b>BY EMAIL:</b> <input type="checkbox"/> Scan <input type="checkbox"/> Email to: <a href="mailto:kstobaugh@madisonvillegov.com">kstobaugh@madisonvillegov.com</a> <input type="checkbox"/> Type the following in the subject line of the email: <b>***CONFIDENTIAL***</b>		<b>BY FAX :</b> <input type="checkbox"/> (270) 824-218	<b>BY DROP-OFF:</b> <input type="checkbox"/> 77 N. Main St. Madisonville KY  (Bring completed form/supporting documentation in a sealed envelope to the <u>HR Dept.</u> )

<b><i>For HR Use Only</i></b>		<b><i>Supporting documentation:</i></b>	
Name has been updated in the following (if applicable):			
<input type="checkbox"/> Ascendis <input type="checkbox"/> AS-400 <input type="checkbox"/> Delta Dental <input type="checkbox"/> BluMine	<input type="checkbox"/> Meritain <input type="checkbox"/> VSP <input type="checkbox"/> KDC <input type="checkbox"/> MASA	<input type="checkbox"/> Axis <input type="checkbox"/> One America <input type="checkbox"/> Colonial	<input type="checkbox"/> Social Security Card <input type="checkbox"/> Driver's License <input type="checkbox"/> Marriage Cert. <input type="checkbox"/> Final Divorce Decree <input type="checkbox"/> Other
		<input type="checkbox"/> I-9 <input type="checkbox"/> W-4	

## HR FORM 42 – Employee Resignation Form

Please accept this form as my letter of resignation. My last day of work will be end of day on \_\_\_\_\_ . I understand this letter cannot be rescinded without approval.

Additional comments:

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\_\_\_\_\_  
Employee Name (print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dept. Head Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department/Position

\_\_\_\_\_  
Employee Number



**HR FORM 43 –  
EMPLOYEE PHOTO RELEASE FORM**

I \_\_\_\_\_ hereby give my employer, the City of Madisonville, and its representatives permission to use my name, likeness, image, voice, and/or appearance as such may be embodied in any pictures, video recording, digital images, and the like, taken or made on behalf of the City of Madisonville’s events and or/activities.

I agree that the City of Madisonville has complete ownership of such pictures, etc., including the entire copyright, and may use them for any purpose consistent with the City of Madisonville’s missions. These uses include, but are not limited to illustrations, bulletins, exhibitions, videotapes, reprints, publications, advertisements, and any promotional materials. I acknowledge that I will not receive any compensation for the use of such pictures and hereby release the City of Madisonville and its representatives from any and all claims which arise out of or are in any way connected with such use.

I have read and understood this consent and release.

Employee Name (print) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

## HR FORM 44 – HEPATITIS B VACCINE DECLINATION

**I understand** that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I choose to decline the hepatitis B vaccination at this time. **I understand** that by declining this vaccine, I continue to be at risk of acquiring hepatitis B infection, a serious disease.

If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Name (print) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

# HR Form 45 - ADA Accommodation Request Form

Employee Name: \_\_\_\_\_ Position: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

**Nature of Qualifying Disability: (Please describe the nature, extent, and duration of your disability)**

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**REQUESTED/SUGGESTED ACCOMMODATION:** (Original Accommodation requested by employee.) \_\_\_\_\_

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**Physician Contact Information: (Employees Only) (Please provide name, address, phone, and fax number of your physician. The physician may receive a letter/fax from us requesting information on your impairment/disability and recommendations for accommodations.)**

**Physician Name** \_\_\_\_\_ **Physician Phone:** \_\_\_\_\_

**Physician Address:** \_\_\_\_\_

**Physician Fax#** \_\_\_\_\_

I authorize the release of necessary confidential medical information regarding my disability to relevant hiring managers as deemed necessary by Human Resources. I also attest to the fact that a copy of the position description has been given to me for review and reference.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*[To signatory: In non-physician review cases, decisions regarding accommodations will be made within 10 days of the receipt of the form by HR. Due to delays that may be caused in communications with physicians, no specific decision date can be provided for physician review cases]*

# HR FORM 47 - DRIVER AGREEMENT

Employee Name (print) \_\_\_\_\_

Department \_\_\_\_\_

Last 4 digits of Social Security Number \_\_\_\_\_

I \_\_\_\_\_ have read, understand, and agree to comply with the Vehicle Use Policy. I understand that failure to follow each element of the policy could result in disciplinary action and/or loss of driving privileges.

Further, it is agreed the vehicle will be operated in a safe manner. I agree to wear my seat belt whenever the vehicle is in motion and require other occupants to do so. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.

I agree to promptly report all accidents and incidents resulting in injury or damage to the vehicle or other property, no matter how slight, to my supervisor immediately.

I understand I am required to maintain a valid driver's license. Further, I, with this agreement grant the City of Madisonville the right to investigate my motor vehicle driving record at any time.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_