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## SECTION I. STATEMENT OF PURPOSE\*

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

### A. Scope of Coverage:

1. The following officers and employees are explicitly exempted from coverage, unless specified otherwise:

- a. All elected officials;
- b. All members of Boards or Commissions;
- c. City Attorney;
- d. City Administrative Officer
- e. City Clerk
- f. Consultants, advisors and counsel rendering temporary Services;
- g. Independent contractors;
- h. Temporary, seasonal or on-call employees occupying non-established positions\*\*; and
- i. Members of volunteer organizations.

2. All employees\*\*\* not explicitly exempted from coverage of these personnel policies and procedures shall be subject to its provisions unless indicated otherwise in the contents of these personnel policies and procedures.

3. Individual sections of these personnel policies and procedures may apply to personnel defined in Section 1 above, provided the provision is specifically stated in the section.

\*Information included in these personnel policies and procedures, classification plan, and compensation plan is not intended to represent a contract between any employee and the City, and may be changed by the City Council without notice. The City of Madisonville is an "at will" employer and reserves the right to terminate any employee other than members of the police or fire department with or without cause. Personnel proceedings involving members of the police or fire department shall be conducted in accordance with Chapter 34 of the City of Madisonville Code of Ordinances. The term "established position" indicates the position(s) in each class created by ordinance, and may be changed

by the City Council without notice, and employee(s) occupying the position(s) may be affected by such changes.

\*\*Established positions are defined as those positions, full-time or part-time, established by ordinance of the City Council.

\*\*\*Throughout the context of these policies and procedures, all reference to employee shall include non-elected officers.

**B. Statement of Affirmative Action:**

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

**C. Administrative Responsibilities:**

1. These personnel policies and procedures shall be administered by the City Administrative Officer, who shall serve as Human Resource Manager.

2. In addition to the duties set forth in these policies and procedures, the Human Resource Manager shall:

a. Administer the provisions of these policies and procedures and all rules and regulations; and

b. Maintain a current personnel file for each employee:

(1) The file shall include name and permanent address, position title, departmental assignment, salary, past changes in City employment status, all EEO-4 requirements, complete record of leave of all types accrued and used showing a current balance of leave due, and such additional information as may be required.

(2) All changes in the status of employment shall be recorded in the personnel file.

3. It shall be the duty of the Human Resource Manager to insure that the policies and procedures reflect all subsequent amendments or additions made by the City Council. Changes to these policies and procedures shall be made in the following manner:

(1) A list will be kept of all City personnel having a copy of these policies and procedures;

(2) Immediately upon official amendment or addition, the change or change(s) shall be written in a manner and format consistent with these personnel policies and procedures;

(3) The effective date of the change shall be noted after the word "changed" in the lower right hand corner of each replacement page or addition; and

(4) A memorandum explaining the change(s) with the change(s) or addition(s) attached shall be distributed to all personnel assigned custody of a copy of the personnel policies and procedures.

4. All personnel decisions are subject to final review and approval by the Mayor, who has responsibility and authority over all personnel matters.

**D. Safety Statement:**

Our goal at the City of Madisonville is to obtain maximum safety in all operations. Safety is a fundamental obligation of every employee. No operation is successful unless it is also safe.

The City of Madisonville insists that every employee contribute to the overall effectiveness of the safety program. Supervisors have the authority to enforce safety policy, safety rules, departmental rules, and will be held accountable for accidents, which could have been prevented. Disregarding safety rules will be grounds for disciplinary action including termination of employment.

**SECTION II: EMPLOYMENT PROCESS**

**A. Procedures for Filling Vacancies:**

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

a. Policy:

(1) Vacancies in higher positions may be filled by promotion from lower classes. To accomplish this, closed competition may be held when the Mayor determines there is sufficient number of qualified current employees applying for the position. However, the City may go outside the City service to fill vacant positions.

(2) Appointment to an established position with the City shall be made only after the Mayor has determined that the person being considered meets all qualifications prescribed in the class specification for the class in which the appointment will be made.

(3) This policy shall apply to current employees who request a transfer or promotion to a vacant position as well as new applicants for employment or reemployment.

b. Announcement of vacant positions:

(1) When a vacancy occurs within the City, current employees may be notified of the vacancy by placing written notice in strategic location or locations throughout the City. Notices shall include position title, grade, summary of duties, position qualifications, and the time limit for applying. Employees who wish to apply for the position must present a written statement of interest to the Human Resource Manager, thus indicating the employee's interest in the vacant position. The Mayor may fill the vacancy by either promoting current employees or employing a person from outside the service.

(2) When announcements of vacant position(s) are made outside the organization, any of the following procedures may apply:

(a) The City's open application policy allows persons interested in employment with the City to complete an Employment Application Form at any time, regardless of whether or not vacancies exist. The applicant must indicate the position(s) applied for, and the Employment Application Form will be considered active for a period of six months.

(b) The City may list vacant position(s) with the local office of the Kentucky Department of Employment Services.

(c) The Human Resource Manager shall forward the statements of interest from current employees along with Employment Application Forms for all applicants from outside the City service who meet the qualifications for the position(s) to the Mayor for appointment decision(s).

c. Application for position:

(1) Employment Application Forms supplied by the City and completed by applicants shall include information about the applicant's training and experience and such additional information as required to effectively evaluate the applicant's ability to perform the duties required by the position.

(2) No person may be appointed to a position unless verified information on an official Employment Application Form indicates that the person meets the qualifications for the position as set forth in the class specification.

(3) All Employment Application Forms must be signed and dated by the applicant.

(4) All applicants hired must possess a high school diploma or earn a GED within nine (9) months of City service. Failure to obtain a high school diploma or a GED shall be grounds for termination of employment.

(5) An applicant who has a relative currently working for the City may be considered for employment in a department other than the one that relative is working in.

d. Certification of eligibility for position:

(1) In order to be considered eligible for the vacant position, candidates must meet the necessary and desirable requirements of the position, including, but not limited to,

knowledge, skills, abilities, education, and training. Applicants may be required to submit proof of education, training and other documentation as deemed necessary.

(2) The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

(a) Information the applicant supplies on the official Employment Application Form;

(B) Written, performance, physical tests or examinations, substance abuse, communicable disease tests, or any additional test which may be required;

(c) Personal interview;

(d) Information and evaluations supplied by references given by the applicant;

(e) Other appropriate information as determined.

(3) When it is determined to be necessary in the discretion of the Mayor or the Human Resource Manager on the basis of the information obtained concerning the applicant, a more extensive background investigation may be conducted prior to actual appointment of the applicant.

(4) Applicants may be required to pass a physical examination and drug screen prior to actual employment.

(5) The Mayor can waive all requirements if an emergency is declared.

**B. Appointing Authority:**

1. The Mayor is the appointing authority for all employees.

2. The Mayor is the appointing authority for non-elected officers, subject to approval of Council, when specifically required by ordinance.

**C. Orientation of Newly Employed Personnel:**

1. An orientation will be made available to all new employees

as soon as possible after employment.

2. The Human Resource Manager's responsibility includes an explanation of the City's management policies and administrative procedures, the City's compensation plan and schedule, employee benefits, and, generally, what the employee can expect from the City and what the City expects from the employee. The Department Superintendent's responsibility includes an explanation of the job, what the Department Superintendent expects from the employee, and how the Department Superintendent will assist the employee in doing the job.

### SECTION III: CONDITIONS OF EMPLOYMENT

#### A. Probation:

1. The City is an "at-will" employer, and either any employee or the city may end the employment relationship at any time, either with or without cause or advance notice. As such, certain benefits may be withheld until the successful completion of a probation period, and in no case shall the completion of a probation period indicate any type of contractual or permanent employment relationship.

2. All personnel initially appointed to an established position shall serve a six month probation period unless terminated sooner by the City; however, the probation period may be extended by the Mayor upon recommendation of the Department Superintendent.

3. An employee who has served an initial probationary period and is promoted from within the City service to a new position shall be on probation in the new class for six months. While on probation, an employee may be reinstated to the position from which the employee was promoted, reassigned to another position, or released from the City service.

4. Probationary employees shall be evaluated at least every second month during the probation period, with a written copy to the employee.

#### B. Transfer:

Any employee occupying an established position may request a transfer from one position to a comparable position by making the request through the Human Resource Manager to the Mayor, provided the employee possesses the qualifications for the position, the employee is not serving an original probation period; and the position is vacant. (See Announcement of Vacant Positions, Section II.A.1. (b), for transfer procedures.)

#### C. Promotion:

Any employee occupying an established position may apply for promotion to a higher position by making the request through the Human Resource Manager to the Mayor, provided the employee possesses the qualifications for the position, the employee is not serving an original probationary period, and position is vacant. (See Announcement of Vacant Positions, Section II.A.1. (b), for

promotion procedures.)

**D. Disciplinary Action:**

1. The policy of the City is to be fair and consistent in the administration of its rules, regulations and procedures, including these personnel policies and procedures. However, willful, continued, or inexcusable breaches of employment rules, regulations and procedures must be dealt with firmly in accordance with a uniform policy which applies to all employees.

2. An employee may be terminated and/or disciplined for (but not limited to) the following:

- a. Incompetency;
- b. Inefficiency;
- c. Dishonesty, which shall include:
  - (1) Deliberately making or using falsified records, materials requisitions, etc.;
  - (2) Lying;
  - (3) Personal use of City property;
  - (4) Theft of property;
  - (5) Deliberate waste;
  - (6) Falsifying the Employment Application Form.
- d. Immoral or improper conduct;
- e. Violation of the City's Code of Ethical Conduct;
- f. Neglect of duty, which shall include:
  - (1) Failure to be at work station at starting time;
  - (2) Leaving assigned work area without permission;
  - (3) Failure to attend scheduled meeting;
  - (4) Refusal to accept reasonable work assignment;
  - (5) Stopping work before specified time;
  - (6) Deliberate interruption of work;
  - (7) Loitering, loafing or sleeping on job;
  - (8) Unsatisfactory work or attitude.
- g. Neglect or mishandling of equipment;
- h. Excessive absenteeism;
- i. Failure to keep time cards accurately or completing another employee's time card;
- j. Fighting or horseplay on City premises at any time;

- k. Attempting bodily injury to another person;
- l. Failure to observe safety rules;
- m. Abusive or obscene language;
- n. Discourtesy to the public or fellow employees;
- o. Conviction of a felony or a crime;
- p. Untidy attire, torn uniforms, and other failures to maintain a clean, neat appearance;
- q. Off-duty activities that discredit the individual or organization or cause inefficiency in performing assigned duties;
- r. Possession of alcoholic beverages or illegal drugs in a city-owned vehicle;
- s. Possession of alcoholic beverages or illegal drugs on City premises;
- t. Reporting to work while under the influence of alcohol or illegal drugs;
- u. Loss or suspension of a driver's license as a consequence of a conviction of an alcohol or drug related offense;
- v. Conviction of any alcohol or drug related offense;
- w. Consumption or use of alcohol or illegal drugs during working hours or while otherwise acting within the course and scope of city business;
- x. Gambling on City premises;
- y. Improperly disclosing confidential information;
- z. An accumulation of minor infractions;
- aa. Violation of, or failure to report violation of, job related federal or state laws or administrative regulations; (\*\*REFERENCE DOT REGULATIONS)
- bb. Failure to follow any rule, regulation, operating procedure or job requirement not specifically mentioned above.

3. When an employee fails to follow any rule, regulation, operating procedure or job requirement, and the City elects not to terminate said employment, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:

- a. Verbal warning (reprimand):

(1) In the case of a minor infraction, the immediate supervisor shall administer a verbal reprimand without rancor and explain the actions necessary to correct the problem as soon as possible after the offense.

(2) The date of the reprimand, along with a description of the occurrence which prompted the reprimand, actions necessary to correct the problem, and any comments the employee may have made, be forwarded to the Human Resource Manager to be placed in the employee's personnel folder. This reprimand **MUST** be signed by the employee or a witness. (NOTE: See OAG 83-114 reference Police Officers and this policy.)

b. Written warning:

(1) In the case of a second minor infraction, the immediate supervisor or Department Superintendent shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.

(2) Written warnings shall state that the employee's performance will now be reviewed on a regular basis for improvement and explain the consequences of continued infractions.

(3) The employee shall sign the written warning or the warning shall be signed by a witness the written warning shall be forwarded to the Human Resource Manager to be placed in the employee's personnel folder.

c. Suspension:

(1) After either a serious violation or repeated minor violations, the immediate supervisor or Department Superintendent shall:

(a) Suspend the employee with pay until the Mayor reviews the violation, provided the Mayor has delegated by Executive Order in accordance with KRS 83A.130(9); and/or

(b) Request in writing 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 pay due to an investigation of an alleged offense.

(3) The suspended employee shall be notified of the suspension in writing within five working days after the time of suspension. The notice shall include the reason(s) for and

duration of the suspension (if known).

(4) Employees suspended without pay for a period of four calendar weeks shall forfeit fringe benefits, including accrual of sick and vacation leave and the City's contribution to any insurance benefits during the suspension.

d. Dismissal:

(1) Where an offense is continually repeated, or misconduct is serious enough for discharge on the first offense, the Department Superintendent may recommend dismissal of an employee.

(2) The recommendation shall include the reason(s) for the dismissal, details of any previous disciplinary action taken against the employee, and the recommended effective date and time of discharge.

(3) Final and formal discharge of an employee shall be the responsibility of the Mayor.

(4) A copy of the notification shall be placed in the employee's personnel file.

e. Demotion or transfer:

(1) In the event that an employee becomes unable to perform the duties as stated in the class specification, the employee may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.

(2) Such actions shall be recorded in the employee's personnel file.

4. An employee grievance procedure is included for employees who feel unjustly disciplined (see Section VIII); employees will not be discriminated against in any way because of proper use of the grievance procedure.

5. Disciplinary action for sworn police personnel shall be in compliance with the provisions of KRS 15.520 which shall supercede these policies and procedures in the event of differences in the Kentucky Revised Statute and these policies and procedures.

**E. Resignations:**

1. An employee wishing to resign from employment with the City shall inform the Department Superintendent of the intended resignation as soon as possible after the decision is made. The notice shall be in writing, and shall include the effective date of the resignation. Unless approved in advance, failure to give two weeks notice may be cause for denying future employment with the City and may be cause for the City's refusal to give a recommendation if contacted by other employer(s).

2. An employee's resignation and its attendant reasons, if noted, shall be recorded in the employee's personnel file.

3. The employment date of an employee who resigns and is reemployed will be the latest date of employment, unless specified otherwise by the Mayor.

4. Any employee who is absent from work for three (3) consecutive work days without notifying the Department Superintendent or Human Resource Manager of the reason(s) for the absence will be considered to have abandoned the job and may be terminated from employment with the City.

**F. Layoff:**

1. The City may lay off an employee or employees because of lack of work or funds or for any other reason. The order of layoff shall be determined by the needs of the City.

2. Consideration shall be given to both seniority and merit of employees being considered for layoff.

3. Temporary, seasonal and probationary employees shall be laid off before employees occupying established positions within affected class(es), and within the respective departments.

4. An employee occupying an established position, who is laid off, shall be notified of the layoff in writing at least one week in advance of the layoff, or the employee shall receive one week's pay. The notice shall explain the reason(s) for and duration of the layoff (if known), and a copy of the notice shall be placed in the employee's personnel file.

5. An employee who has a satisfactory record of service and

is laid off shall be eligible for reemployment in another position, provided the employee meets the qualifications for the position and that the position is vacant.

**G. Reemployment:**

The Mayor may reemploy any former employee who has resigned from the City with a satisfactory employment record or who has been laid off because of lack of work or funds.

**H. Loss of Job Requirement:**

Any employee who is unable to physically or mentally perform required duties or is unable to perform required duties because of loss of a necessary license or other requirement may be separated from the City service at the discretion of the Mayor.

**I. Mandatory Retirement Age:**

The City does not have a mandatory retirement age. (See following paragraph.)

**J. Examinations:**

1. If there is reasonable cause to believe that it is warranted, the Mayor may require any employee to submit to a physical or mental examination by a medical doctor, psychologist, dentist or ophthalmologist selected by the City to insure competency to complete assigned duties.

2. The City shall pay the costs (including necessary travel costs) for required examinations.

**K. Political Activity:**

1. City employees shall not engage in political activity during the employee's assigned duty hours, or engage in political activity while wearing a uniform identifying the City as the employer.

2. No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office.

**L. Use of City Property, Vehicles and Equipment:**

1. City owned property, vehicles and equipment shall be used only in the performance of official City business.

2. Any employee operating or responsible for the operation of a City vehicle or other equipment shall comply with local, state and/or federal laws or policy governing the use of vehicles and equipment.

**M. Sexual Harassment:**

1. In compliance with Title VII of the Civil Rights Act of 1964, as amended, and pursuant to the guidelines on sex discrimination issued by the Equal Employment Opportunity Commission, the City does not tolerate sexual harassment.

2. Employees or officers who believe they have been subjected to sexual harassment by another employee or officer should inform the Human Resource Manager, who will conduct an investigation immediately and confidentially. An employee or officer found guilty of sexual harassment will be subject to appropriate disciplinary action including termination of employment.

**N. Suggestion System:**

1. Employees are encouraged to submit suggestions that could allow the City to operate more efficiently and effectively.

2. Suggestions should be placed in boxes located in work areas. Periodically they will be reviewed by the Finance and Budget Committee of the City Council. That committee will make recommendation to the full Council for implementation of approved suggestions.

**O. Employee Handbook:**

1. The Human Resource Manager shall insure that a copy of the Employee Handbook is prepared and distributed to all employees occupying established positions.

2. The Handbook shall include a condensed version of these policies and procedures, and is meant to provide employees with a ready reference on employment policies, procedures, practices and benefits.

**P. Exit Interview:**

1. Employees departing employment with the City are encouraged to participate in an exit interview. This will enable the administration to obtain information regarding why the employee resigned, forwarding address (if necessary), and any required information.

2. The departing employee shall turn in any keys, uniforms, and other City property not previously turned in during the exit interview. Final pay will be withheld until these items are turned in.

**Q. Uniform Allowance:**

The City may provide uniforms or uniform allowances to qualifying employees in accordance with the annual budget.

## SECTION IV: CLASSIFICATION PLAN

### A. Allocations:

1. In the classification plan authorized by the personnel ordinance:

a. Each established position shall be assigned to an appropriate class on the basis of the duties and responsibilities of the position.

b. A class may include one or more positions.

### B. Written Specifications:

1. Each class shall have a specification that includes:

a. A concise, descriptive title;

b. A description of duties and responsibilities of the class; and

c. A statement of desirable qualifications for the position.

2. All positions in a class shall be sufficiently alike to permit:

a. The use of a single descriptive title;

b. A description of each of the duties in the class;

c. The same qualifications for each position;

d. The use of the same tests of competence for each position; and

e. Application of the same pay range to each position.

### C. Regular Review/Evaluation:

1. The Human Resource Manager shall review the duties and responsibilities of each class on a regular basis. After reviewing the duties and responsibilities, the reclassification of position(s), the creation of new classes, or the abolition of existing classes may be recommended.

2. All changes shall be made by ordinance upon the Mayor's recommendation and approval by the City Council.

**D. Reclassification:**

1. The Human Resource Manager shall recommend reclassification of a position after its duties/responsibilities change materially and is no longer comparable with other positions in the class.

2. Whenever the duties of a position so change that no appropriate class for it exists, the Human Resource Manager shall prepare an appropriate class specification for the position and recommend the position be assigned to the new class.

3. When creating a new class, the format of existing specifications shall be maintained, including all required sections.

4. All classification changes shall be made by amendment of the personnel ordinance upon the Mayor's recommendation and approval by the City Council.

**E. Categories of Employment:**

1. All employees of the City shall be classified full-time, part-time, temporary or seasonal, on-call or assigned:

a. Full-time employee: An employee who works 35 hours or more per week on a regularly scheduled basis;

b. Part-time employee: An employee who works less than 35 hours per week, but on a regularly scheduled basis;

c. Temporary or seasonal employee: An employee who works in a position which is of a temporary nature;

d. On-call employee: An employee who has no regular schedule, but is available to work on an on-call basis, usually with very short notice; and

e. Assigned employee: An employee made available to the City by another agency.

2. Only full-time or part-time employees may occupy established positions.

3. Full-time employees in established positions shall be

entitled to all benefits provided by the City; employees in all other categories shall not be entitled to any benefits (except those required by federal or state law) unless recommended by the Mayor and approved by the City Council.

## SECTION V: COMPENSATION PLAN

### A. Pay Plan:

A pay plan prepared pursuant to the personnel ordinance shall prescribe a rate of pay for each class, and employees occupying positions assigned to each class shall be compensated at that rate of pay.

### B. Longevity Plan:

The annual budget may include funds for compensating employees based on years of service with the City, depending upon the actions of the Council and availability of funds.

### C. Hours of Work:

1. Each employee shall work according to a schedule of hours determined by the employee's Department Superintendent and approved by the City Administrative Officer.

2. Flexible hours may be scheduled for employees if recommended by the Department Superintendent and approved by the City Administrative Officer.

### D. Overtime:

1. In order to determine whether an employee will receive overtime pay for hours worked in excess of 40 hours per week, each class shall be declared "exempt" or "non-exempt" in accordance with the provisions of federal and state wage and hour laws; the designation shall be placed on each class specification. Employees in exempt classes shall not receive overtime pay; employees in non-exempt classes shall receive overtime pay at the rate of one and one-half times the regular hourly wages for actual hours worked in excess of 40 hours in any work week.

2. Overtime pay will be granted for actual hours worked, and time off with pay (holiday, vacation leave, sick leave, jury duty, bereavement leave, for example) will not be considered as hours worked for overtime pay purposes.

3. The Department Superintendent shall be held accountable for overtime, and shall approve all overtime in advance whenever possible; overtime shall be kept at the minimum consistent with maintenance of essential services and the City's financial resources.

4. Employees who work on the actual holiday, not the observed holiday shall receive one and one-half times the regular hourly

rate.

**E. Stand-By Pay:**

Employees shall receive two hours additional pay at the regular rate Monday through Friday, and eight additional hours pay for scheduled days off and holidays. If an employee is required to report to work during the period, the compensation shall be at the rate of time-and-one-half for the actual hours worked, except that on holidays the time-and-one-half shall be in addition to the eight hours holiday pay. (Standby employees refer to Section L.1. - Use of City Vehicles.)

An employee will not be scheduled for stand-by time while on vacation or sick. An employee will not be scheduled or paid for stand-by time during regular working hours of the normal work week for his/her department.

**G. Workweek:**

1. The official workweek for the City shall begin and end at 7:00 A.M. each Sunday.

2. The official work week may be changed at any time, but not to avoid overtime requirements.

**H. Time Cards:**

Each Department Superintendent shall forward signed time cards to the City Clerk/Treasurer by 10:00 A.M. each Monday following end of payroll. Time cards shall indicate actual hours worked, and time off with pay shall be recorded and explained by submitting an Absence Report along with the time cards.

**I. Periodic Review:**

1. The Human Resource Manager shall complete the following on a scheduled basis of at least every other year:

a. Compare the salary rates, compensation policies, and the personnel policies and procedures of the City with those of other employers in the labor market area;

b. Analyze fluctuations in the cost of living;

c. Examine the salary range for each class in the classification plan to ascertain whether minimum and maximum salaries should be raised or lowered for a particular class or classes during the succeeding twelve months; and

d. Upon the basis of the comparison, analysis and examination, recommend any necessary changes to the Mayor.

2. All changes must be made by amendment of the personnel ordinance, provided the Mayor recommends and the City Council approves the changes by ordinance.

**J. Implications of Personnel Actions:**

1. Reclassification of an employee's position from one class to another of same pay shall effect no change in salary for the employee.

2. An employee whose position is reclassified from one class to a higher class shall receive the salary established for the higher class.

3. An employee whose position is reclassified from one class to a lower class shall receive the salary of the lower class.

4. Any reclassification recommended to the Council that will require a higher salary shall include an estimate of the financial implications of the action.

5. In the event that an employee enters a higher class by promotion, the employee shall receive the salary in the higher class.

6. If an employee is demoted, the employee shall be paid no more than the amount established for the lower class.

7. When an employee voluntarily transfers from a position in one class to a position in an equivalent class, the transfer shall effect no change in rate of pay.

**K. Salary Increases:**

1. The annual budget is prepared effective July 1 for the budget year; individual adjustments may be made during the year as necessary, subject to availability of revenues and the current budget.

2. In addition, the Department Superintendent may recommend merit pay increases, subject to approval of the Mayor.

**L. Payroll Deductions:**

Applicable taxes, court-ordered garnishments, and employee contributions to benefits/programs approved by the Council and applying to all employees shall be deducted from the participating employee's pay check.

## SECTION VI: BENEFITS

### A. Holidays:

1. The following days are declared paid holidays for eight hours at the regular rate of pay for all employees occupying full-time established positions EXCEPT FIREFIGHTERS (See Paragraph 6 below):

- a. The first day of January (New Year's Day);
- b. The third Monday in January (M. L. King, Jr., Day);
- c. The last Monday in May (Memorial Day);
- d. The fourth day of July (Independence Day);
- e. The first Monday in September (Labor Day);
- f. The eleventh day of November (Veteran's Day);
- g. The fourth Thursday in November (Thanksgiving Day);
- h. The fourth Friday in November (After Thanksgiving);
- i. The twenty-fourth day of December (Christmas Eve);  
and
- j. The twenty-fifth day of December (Christmas Day).

2. In addition to the above, any day may be designated as a holiday by proclamation of the Mayor or City Council.

3. When a holiday falls on Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed the following Monday.

4. In order for an employee to be paid for a holiday, the employee must work the last scheduled day before and the first scheduled day after the holiday unless the absence(s) is/are approved in advance.

5. All employees occupying established positions shall receive holiday pay. Employees who work on a holiday shall be compensated for actual hours worked at the regular rate of pay in addition to holiday pay.

### B. Vacation (Annual Leave):

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

2. Vacation leave shall be earned on January 1 of each Year and must be taken during that year, unless a written request has been submitted and approved by the Human Resource Manager. Approved time carried over will be in hour increments only and

shall be for no more than one work week.

3. Vacation leave shall be as follows:

a. Employees who work 35 hours per week shall earn 70 hours per year during the first ten years of employment, 105 hours per year during and after the eleventh year of continuous employment, and 140 hours per year after 25 years.

b. Employees who work 40 hours per week shall earn 80 hours per year during the first ten years of employment, 120 hours per year during and after the eleventh year of continuous employment, and 160 hours per year after 25 years.

c. Employees who work an average of 56 hours per week shall earn 120 hours per year during the first ten years of employment, 168 hours per year during and after the eleventh year of continuous employment, and 224 hours after 25 years.

4. A new employee shall not receive vacation leave until they have worked as a full time employee one continuous year.

5. Vacation leave shall be requested in advance (one month in advance is preferred); vacation leave may be disapproved if the City requires the employee's services at the requested time.

6. When a former employee is reemployed, he shall be considered a new employee for vacation leave purposes.

\*7. Employees absent because of sickness or off-duty injury or disability may use vacation leave during the time off only after accrued sick leave has been exhausted.

8. Payment for vacation leave in lieu of time off shall not be granted.

9. The Human Resource Manager shall insure that records are kept for vacation leave allowance, vacation leave taken, and the current leave for each employee; vacation leave taken shall be limited to the current amount.

10. Any employee who terminates employment with the City shall be compensated for all earned vacation leave. The City may compensate the employee by issuing a lump sum check or continuing to carry the employee on the payroll until all earned vacation leave time is exhausted.

\*Reference: Family and Medical Leave

**C. Sick Leave:**

1. All employees occupying full-time established positions shall receive sick leave credit for each month of service as follows:

a. Employees who work an average of 35 hours per week shall receive 7 hours sick leave credit for each month of service.

b. Employees who work an average of 40 hours per week shall receive 8 hours sick leave credit for each month of service.

c. Employees who work an average of 56 hours per week shall receive 12 hours sick leave credit for each month of service.

\*2. Sick leave credit may be utilized by employees when they are unable to perform their duties because of sickness or injury or when they are quarantined, or when their absence from work is required due to sickness in the immediate family (a member of the employee's immediate family for whom the employee is responsible). All foreseeable leave for such purposes shall require prior approval of the Department Superintendent.

3. In the event of sick leave taken for any purpose, the Department Superintendent or Human Resource Manager may require a statement from a medical doctor, licensed chiropractor or psychologist before allowing the employee to receive sick leave pay during the period of absence; a statement from a medical doctor, licensed chiropractor or psychologist shall be required any time sick leave is taken for a period exceeding two consecutive work days.

4. For accrual purposes, a new employee who reports for work on or before the 15th of any month shall accrue the full amount for that month; if employed on or after the 16th of any month, a new employee shall begin accruing sick leave the beginning of the following month. An employee must work at least one-half of the month in order to accrue sick time for that month.

5. When an employee takes sick leave, the employee's immediate supervisor or Department Superintendent shall be informed of the fact and the reason(s) thereof as soon as possible. Failure to do so by the scheduled time to begin work may be cause for denial of sick leave with pay for the period of absence.

6. Absence for a part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one hour.

7. If an employee does not use any sick time for a period of six (6) consecutive months, the employee is entitled to a personal day off with pay. The personal day must be taken within six (6)

months of earning it. A written request for the personal day must be submitted in advance to the Department Superintendent for approval and forwarded to the Human Resource office. This will apply to non-probationary employees only.

8. Sick leave may be accrued up to a maximum of 960 hours, except that fire fighters assigned to 24 hour shifts may accrue up to a maximum of 1440 hours; however, fire department personnel employed before the effective date of this ordinance shall keep sick hours accrued beyond 1440 hours, but when used can never exceed the maximum of 1440 hours.

9. Employees shall not be paid for unused sick leave credit upon termination of employment.

10. When a former employee is reemployed, he shall be considered a new employee for sick leave purposes.

11. The Human Resource Manager shall insure that current and accurate records are kept for sick leave allowance, sick leave taken, and sick leave accrued for each employee.

12. Sick leave taken shall be limited to the current amount accrued unless approved in advance by the Mayor.

13. Any employee fraudulently taking sick leave may be subject to the City's disciplinary policy including possible termination of employment.

14. A sick leave pool is available for full-time employees who are participants in the sick leave pool and have exhausted all of their accrued sick time. (Reference Sick Leave Pool Policy and Procedures)

\*Reference: Family and Medical Leave

**D. Family and Medical Leave:**

1. Employees of the city who have completed one year of service and who worked a minimum of 1250 hours during the preceding twelve months shall be allowed up to twelve weeks of leave time during any twelve month period for the following reasons:

a. For the employee to deal with personal serious medical conditions that prevents performance of assigned duties.

b. For birth or adoption.

c. In order to care for a spouse, child or parent with a serious medical condition.

2. The following conditions shall apply:

a. A leave request form must be submitted to the Department Superintendent for approval by the Human Resource Manager. Where possible, employees are required to provide at least thirty days notice before beginning to take leave.

b. While on family and medical leave, the employee may use accrued sick leave if applicable, then vacation leave, and the remaining time shall be leave-without-pay.

c. The employee shall be allowed to return to the same position or an equivalent position with equivalent benefits and pay, provided the employee is capable of performing the required duties of the position upon returning from family and medical leave.

d. Accrued benefits shall not be forfeited; however, the employee shall not accrue benefits during the period of leave.

e. The city will continue to provide health care coverage for the employee during the leave period. Should the leave period exceed twelve weeks, the employee will assume the responsibility of paying the premium to continue their health care coverage, unless determined otherwise by the Human Resource Manager.

3. For continuing medical conditions, the employee is entitled to the twelve work week leave in each year of employment (the employee's first day of absence shall be considered the beginning of the year of employment for family and medical leave purposes); for birth or adoption, the leave option expires one year after the event.

4. A serious medical condition is defined as an illness, injury or impairment, physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or requires continuing medical treatment.

Reference: Family and Medical Leave Act of 1993

**E. Workers' Compensation Leave**

1. Any employee who suffers injury or illness as a result of service connected accident or illness shall be compensated at the negotiated rate with the worker's compensation insurance company.

However, the employee may use up to five days of sick time for the first five days of injury or illness provided that employee has the time accrued.

2. Employees shall not accrue sick time while on workers' compensation leave unless they have worked at least one-half of the month.

3. During the first six months of leave for each job-related injury or illness, the City shall continue to pay single coverage for health insurance costs and the employee must pay the costs for family coverage prior to the beginning of the month covered. After six months for each job-related injury or illness, the employee must pay both single and family coverage prior to the first of the month covered.

4. Employees are required to report any work related injury or illness immediately. Any employee fraudulently filing a workers' compensation claim will be subject to disciplinary action up to and including termination.

5. Any employee on Worker's Compensation Leave shall be responsible for notifying his/her department superintendent and the City Nurse, at a minimum of every two weeks, of their medical condition, medical restrictions, and their expected date to return to work.

**F. Maternity Leave:**

\*1. Maternity leave may be granted for employees with temporary disability due to pregnancy, childbirth (or any impairment thereof), and miscarriage for a period not to exceed twelve (12) calendar weeks; however, additional period may be granted if required by a medical doctor.

\*2. The employee may use any accrued sick leave, then accrued vacation leave, and the remaining period will be time off without pay.

\*Reference: Family and Medical Leave

**G. Bereavement (Funeral) Leave:**

Employees occupying established positions may be granted up to five consecutive calendar days off without loss of pay in case of death of a child, spouse or parent (step-children/step-parent) and three consecutive calendar days off without loss of pay in the case of immediate family. Days off must include the day of the funeral. For purposes of this section, "immediate family" shall mean siblings, grandparents, grandchildren and immediate in-laws (same relation to spouse as identified for employee). **An employee may use available sick leave at the end (or in conjunction with) of the stated bereavement leave, subject to providing a doctor's**

**excuse**

**H. Special Leave:**

1. The Mayor may authorize special leaves of absence with or without pay for employees in established positions for any period or periods not to exceed four weeks in any calendar year for any purpose(s) that are deemed beneficial to the City service.

2. Upon the recommendation of the Mayor, the City Council may authorize special leaves of absence with or without pay for employees in established positions for any period or periods for purpose(s) deemed beneficial to the City service.

**I. Military Leave:**

1. Any employee occupying an established position with the City who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence without loss in pay for a period not exceeding fifteen calendar days in any one calendar year for the purpose of attending annual mandatory training (KRS 61.394, 61.396).

2. The City shall comply with U.S. Code 42 when employees occupying established positions are called to active duty.

**J. Jury Duty:**

1. When an employee is required to serve on a jury, the employee shall be compensated at the normal rate of pay while serving on jury duty. The employee may retain any payment received from the courts while serving on jury duty.

2. Employees serving on jury duty shall be absent from work only during the times required by the courts.

3. Employees summoned as a plaintiff or a defendant in a proceeding involving or arising from outside employment or personal business shall not be entitled to leave with pay, but may use accrued vacation leave during the absence.

4. This section shall apply to police personnel, except when police personnel are attending court in line of duty.

**K. Insurance:**

1. Worker's Compensation Insurance: The City will pay total costs (coverage applies to all employees).

2. Unemployment Insurance: The City will pay total costs (coverage applies to all employees).

3. Health Insurance: For employees occupying established positions, the City shall pay the complete cost of the group policy to which it is affiliated for single employees and the amount equal to single coverage for employees with spouses or other eligible dependents. Employees who wish to purchase the family option shall be responsible for the total costs of the optional coverage.

4. Dental Insurance: Dental insurance is available for employees occupying established positions; however, the employee shall pay the complete costs for either single or family coverage.

5. Life Insurance: The City shall pay the total costs for a term life insurance policy for each employee occupying an established position. The amount of the insurance policy shall be determined during the budget process.

**L. Retirement:**

1. All employees who qualify are required to join the County Employees Retirement System. The City and all participating employees contribute amounts as determined by CERS.

2. Social Security: The City and its employees contribute amounts at the rate determined by Congress.

**M. Education Assistance:**

1. It is the policy of the City to offer educational assistance to full-time, non-probationary employees wishing to further their education by taking classes at an accredited college, university or vocational school. Prior to enrolling for a class, the employee must complete and submit an Education Assistance Application form. The form must be approved by the Department Head and Human Resource Manager. Upon completion of the course(s), the employee must submit to the Human Resource Manager proof of satisfactory performance in the class (copy of certificate of satisfactory completion for vocational course; grade of "C" for undergraduate course; grade of "B" for graduate course), receipts for tuition and book payments in order to receive reimbursement. Reimbursement shall be limited to tuition and those textbooks required for each approved course.

2. Reimbursement shall be for a maximum of six hours of class per semester or three hours in summer school and must be taken during non-duty hours. Courses must either be job-related

or to prepare the employee for possible advancement within the City. Any other financial assistance (ex. Grants, scholarships, etc.) received by the employee shall be deducted from the monies reimbursed by the City.

3. An employee leaving City service shall repay the City for any tuition and book expense reimbursement received within the previous twelve month period.

4. The City will also reimburse the cost of any approved course work related to the attaining of the GED.

## **SECTION VII: EXPENSE REIMBURSEMENT**

1. No officer or employee of the City shall receive or be allowed any lump sum expense allowance or contingent fund for personal or official expenses (KRS 64.710).

2. Any officer or employee of the City incurring expenses for approved travel shall be reimbursed as follows:

a. Room costs: Reimbursement for actual amount upon presentation of receipt.

b. Food costs: Standard Federal per diem rate for the locality.

c. Travel:

(1) Airlines: Reimbursed for coach fare at actual amount upon presentation of receipt;

(2) Private automobile: Reimbursed at the rate per mile authorized (private automobile may be authorized in advance only when a City vehicle is not available.)

3. Requests for reimbursement and/or returning any unspent advance funds must be completed and submitted to the City Clerk/Treasurer's Office within three working days after returning from travel; all required receipts for expenses must be included when submitted.

4. All requests for reimbursement shall be approved by the Department Superintendent and Mayor (or designee) prior to payment.

## **SECTION VIII: GRIEVANCE PROCEDURE**

1. Any grievance or dispute which may arise from employment with the City, which does not result in termination of employment, shall be settled in the following manner:

a. The aggrieved employee shall present the grievance to the Department Superintendent within three working days of its occurrence or within three working days of knowledge of its occurrence. The grievance (and all subsequent appeals) shall be in writing, and shall set forth the reasons and grounds for the grievance with a statement of relief sought. The Department Superintendent shall attempt to adjust the matter and shall respond to the employee in writing within three working days.

b. If the grievance remains unresolved, it may be presented by the aggrieved employee to the City Administrative Officer within three working days after receiving the Department Superintendent's response. The City Administrative Officer may offer to schedule a hearing; if a hearing is held, either the City Administrative Officer or aggrieved employee may request witnesses to appear at the hearing. The City Administrative Officer will make recommendations to the Mayor. The Mayor may conduct a more extensive investigation into the grievance, and shall inform the aggrieved employee of the decision within sixty working days. (See disciplinary hearings procedures under disciplinary actions.)

c. The Mayor may inform the Council of the grievance and the final decision.

2. These procedures shall not be applicable for sworn police personnel in any instance where procedures in KRS 15.520 are applicable.

#### **SECTION IX: SEVERABILITY AND REPEALER**

1. If any provision of these personnel policies and procedures is held invalid, such invalidation shall not affect the remainder of this ordinance or its application.

2. All ordinances that conflict with the contents of this document are hereby repealed.

Adopted June 2, 1992  
Revised April 4, 1994  
Revised October 20, 1997  
Revised March 2, 1998  
Revised August 16, 2004

## M. Workplace Harassment and Violence:

1. It is the policy of the City of Madisonville to promote a safe environment for our employees and the visiting public, and to work with our employees to maintain a work environment that is free from violence, harassment, intimidation, and other disruptive behavior. It is the position of the City of Madisonville that workplace harassment and workplace violence or the threats thereof in all forms is unacceptable, will not be tolerated, and will be dealt with appropriately. The expectation is that each employee will treat all other employees and members of the public with dignity and respect.

2. In compliance with Title VII of the Civil Rights Act of 1964, as amended, and pursuant to the guidelines on Workplace Harassment issued by the Equal Employment Opportunity Commission, the City will not tolerate Workplace Harassment.

3. Workplace Harassment includes unwelcomed verbal or physical conduct based on race, color, religion, sex (whether or not of a sexual nature and including same-gender harassment and gender identity harassment), national origin, age (40 years and over), disability (mental or physical), sexual orientation, or retaliation. These actions would be considered harassment when the conduct is sufficiently severe or pervasive to create a hostile work environment that interferes with the employee's work performance or creates an intimidating, hostile or offensive work place; or a supervisor's harassing conduct results in a tangible change in an employee's employment status or benefits (an example, demotion, termination, lack of promotion, etc.).

4. Violence or the threat of violence in the workplace will not be tolerated. All reports of workplace harassment or violence or the threat thereof shall be taken seriously.

5. Employees who believe that they have been subjected to or who have witnessed workplace harassment or violence by another employee should inform the Human Resource Manager who will conduct or cause to be conducted an investigation of all allegations of inappropriate conduct or threats in a timely manner. All information obtained during the investigation will remain confidential except as necessary to enforce this policy. The City will not tolerate retaliation against any employee for reporting, in good faith, harassing or violent behavior, or for participating in an investigation of harassing or violent behavior. An employee found guilty of workplace harassment or workplace violence will be subject to appropriate disciplinary action including suspension without pay, termination of employment, and/or the filing of criminal charges ( refer also to Section III D, 3).

**CITY OF MADISONVILLE  
MUNICIPAL ORDER NO. 2019-27**

**IN RE: AMENDMENT TO PERSONNEL POLICIES AND PROCEDURES FOR THE CITY OF  
MADISONVILLE**

IT SHALL BE AND HEREBY IS ORDERED BY THE CITY COUNCIL OF THE CITY OF  
MADISONVILLE, KENTUCY AS FOLLOWS:

Section VI: Benefits:

1. The following days are declared paid holidays for eight hours at the regular rate of pay for employees who work eight hour shifts occupying full-time established positions. Employees who work twelve hour shifts shall receive the following days as paid holidays for the twelve hours at the regular rate of pay for employees occupying full-time established positions.

- a. The first day of January (New Year's Day);
- b. The third Monday in January (Martin Luther King, Jr.'s Birthday)
- c. The third Monday in February (Presidents Day)
- d. The last Monday in May (Memorial Day)
- e. The fourth day of July (Independence Day)
- f. The first Monday in September (Labor Day)
- g. The eleventh day of November (Veterans' Day)
- h. The fourth Thursday in November (Thanksgiving Day)
- i. The fourth Friday in November (day after Thanksgiving)
- j. The twenty-fourth day of December (Christmas Eve);
- k. The twenty-fifth day of December (Christmas Day).

2. In addition to the above, any day may be designated as a holiday by proclamation of the Mayor or City Council.

3. When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed the following Monday.

4. In order of an employee to be paid for a holiday, the employee must work the last scheduled day before and the first scheduled day after the holiday unless the absence(s) is/are approved in advance.

5. All employees occupying established positions shall receive holiday pay. Employees who work on a holiday shall be compensated for actual hours worked at the regular rate of pay in addition to holiday pay.

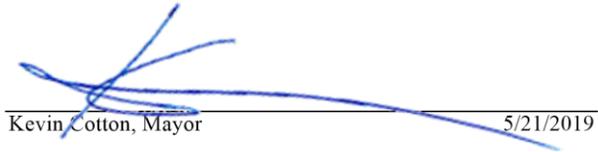
This the 20th of May, 2019.

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Adam Townsend, Ward 3

**SECONDER:** Frank Stevenson, Ward 5

**AYES:** Cavanaugh, Space, Townsend, Noffsinger, Stevenson, Johnson



Kevin Cotton, Mayor 5/21/2019

ATTEST:



Kim Blue, City Clerk 5/21/2019