

**ADMINISTRATIVE PERSONNEL
POLICY AND PROCEDURES MANUAL**



Effective July 1, 2022



**COMMUNITY LED
SERVICE DRIVEN
POWERED BY GROWTH**

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BOARD OF COMMISSIONERS MISSION STATEMENT

The City of Bowling Green is committed to strengthening our vibrant community by focusing on quality of life, service delivery, fiscal responsibility, public safety, neighborhood revitalization, visionary leadership, and economic development.

EMPLOYEE VISION & MISSION STATEMENT

Bowling Green, Kentucky is home to more than 65,000 citizens, men and women, children and senior adults -- families. Our community is part of a fast paced, ever changing world. City government is an integral part of this dynamic, forward looking community, and City employees accept the challenge to help Bowling Green and the surrounding area achieve excellence. Our collective values serve as a foundation for our vision of Bowling Green's future. Safe neighborhoods, good schools, job and leisure opportunities, affordable housing and high quality health and human services are an essential part of our envisioned future.

VISION

We envision a City government operation that recognizes people are central to all policy decisions. We value the trust bestowed on us by the citizens and all our actions must reflect care and integrity as we manage public resources. We treasure clean, safe, environmentally sound neighborhoods, rich with opportunity for all residents to work, play, learn and enjoy life.

Our vision for Bowling Green recognizes we are an economic and cultural center for many south central Kentucky counties and that our community is viewed as a shining star and leader throughout our Commonwealth. We accept that leadership role and will work for orderly growth consistent with our needs and capacity to manage.

We envision a Bowling Green City Government that by its actions demonstrates a deep appreciation for the community's past, responds to current needs and plans for our collective future.

EMPLOYEE VISION & MISSION STATEMENT

(continued)

MISSION

To provide leadership in promoting the safety and well-being of Bowling Green residents by delivering quality services in a cost effective and responsible manner.

VALUES

- People orientation is central to all decisions.
- Policies reflect overall City needs, priorities and available resources.
- Employees are our most important asset and must be supported and nurtured to effectively deliver quality services.
- Citizen satisfaction with municipal services is an important measure of our success as an organization.
- Collaboration and cooperation with all sectors of the community is necessary to improve community well-being.
- Service must be provided in a fiscally responsible and accountable manner.

GOALS

- Work to establish a sense of community throughout all of Bowling Green.
- Provide opportunities for citizens and groups to fully participate and share responsibility for City program development.
- Fully utilize human, financial and technical resources to deliver services.

...written by Employee Comprehensive Vision Statement Committee, 1997

DISCLAIMER

This Policy Manual provides general information about many of the City of Bowling Green's policies, procedures, and benefits pertaining to employees. It is not a contract of employment or a legal document. It does not create any contractual or other legal rights.

Only the Board of Commissioners has the authority to enter into an employment contract or make any promises about any employment benefit. No other manager, supervisor, team leader, or representative of the City of Bowling Green may make any contract, promise, or commitment contrary to the guidelines outlined in this manual.

The City of Bowling Green reserves the right to change *or delete* the policies contained in the Policy Manual at its discretion, and to interpret and apply the policies as it deems appropriate. The City Manager may approve interim procedural rule changes pending later approval of the Board of Commissioners, except as relating to leave earnings or employee benefits paid by the City of Bowling Green.

This manual is not intended to and does not provide an exhaustive listing of every policy and procedure affecting employees. This manual supersedes and replaces all previous similar manuals and policies. Any policies that were in previously adopted editions of the manual but are not in the current manual are repealed.

A copy of the current adopted manual shall be maintained on the City's Intranet website, where it can be viewed and/or printed by employees at any time. The manual on the Intranet will be updated with any changes, and the Human Resources Department will endeavor to inform employees about substantial changes.

CHAPTER I

INTRODUCTION

1-1 The Personnel Program

1-1.1 Personnel Program Objectives and Goals – The objectives and goals of the City's personnel program are:

- a. To develop and administer personnel policies, procedures, and techniques that shall consist of the entire broad course of action governing all employees within the organization. The personnel program as developed is to be implemented by the City Manager with the assistance of the Human Resources Director.
- b. Appointments, promotions, retention, and all personnel activities will be administered in accordance with the merit system.

1-1.2 The Merit System – The City's merit system is described as follows:

- a. The Personnel Merit System is specifically authorized in Section 17-1 of the Bowling Green Code of Ordinances.
- b. The City Manager is responsible for the administration of all affairs of the City. He appoints and removes all heads of departments and all subordinate officers and employees of the City, subject to approval of the Board of Commissioners. All appointments will be made upon merit and fitness alone, and will be confirmed by the Board of Commissioners.
- c. The merit system of Personnel Administration of the City of Bowling Green is the total personnel program as outlined by the policies and procedures in this manual. The merit system requires that all personnel transactions be based upon the individual's qualifications and that all employees meet acceptable levels of competence and experience in performing public duties.
- d. Personnel Administration encompasses the classification of positions according to skill requirements and the work to be performed; determining compensations for various job classifications; recruiting employees and placing them in positions where their efforts will result in the greatest possible yield; administering an employee performance evaluation system to measure performance on the job for purposes of training, promotion, salary increase, layoff, and disciplinary actions; increasing the proficiency of employees through training; controlling personnel transactions such as vacations, sick leave, leaves of absence, promotions, etc., and establishing the framework of policies and procedures within which these personnel transactions are performed; developing and administering employee relations programs pertaining to health, safety, grievances and counseling; setting up and enforcing fair and uniform disciplinary measurements; and providing fair policies relating to all personnel actions.

1-1.3 Administration – Certain officials and employees are responsible for administration of the merit system:

- a. The City Manager shall determine the major personnel policies for all employees under his supervision. In all cases, his decisions on personnel matters will be final. It is his responsibility to require the observance of the principles of the merit system.
- b. The Human Resources Director shall administer the personnel program, which will include the following:
 - (1) Maintain a position classification and salary and wage plan;
 - (2) Develop a continuous recruitment program;
 - (3) Administer the system of examinations and determine eligibility of individuals for entrance into service and for promotions;
 - (4) Administer the system of performance evaluations;
 - (5) Assist in programs of employee training;
 - (6) Assist in programs of accident prevention and employee safety;
 - (7) Maintain personnel records; and
 - (8) Administer the Affirmative Action Plan and assure Equal Employment Opportunity in all personnel actions.
- c. The Department Heads are expected to give efficient supervision to their employees and maintain proper working relationships.
- d. The Board of Commissioners confirms the appointment of all classified personnel. It also approves the budget for salaries, thereby fixing compensation for all officers and employees under its jurisdiction.

1-1.4 Personnel Records – Personnel records of the City shall be public records and open to inspection, subject to regulations regarding time and manner of inspection as prescribed by the Board of Commissioners under the Open Records Law, and as defined in Kentucky Revised Statutes 61.878.

Personnel records may be available for review by the employee, the employee's immediate supervisor, and the department head at any time during regularly scheduled work hours.

1-2 Application of These Policies

1-2.1 Coverage – These policies and procedures apply to all classified employees in departments under the jurisdiction of the City Manager, unless otherwise specifically stated. "Classified" employees are defined in the City Code as those employees who are in full-time positions. The full-time classifications are listed in the Classification/Pay

Schedules adopted as a part of this manual. Employees not considered classified include part-time, temporary, and seasonal employees, and elected officials.

References in this manual to "he", "him", and "his" apply to females as well as males and mean he/she, him/her, and his/hers, respectively.

- 1-2.2 Departmental Rules – Because of the nature of the operations of the various departments, separate rules and regulations to fit special departmental conditions are and will be necessary. Supplementary rules and regulations require approval of the Board of Commissioners.

In the event of any conflicting policies, rules, or regulations, those that shall apply shall be based on the following descending order of documents: Kentucky Revised Statutes; then the City of Bowling Green Code of Ordinances; then this Administrative Personnel Policy and Procedures Manual, including any supplemental interdepartmental personnel rules or policies that have been adopted by municipal order, such as the public safety promotional procedures; and finally any departmental policy and procedures manual or written directives.

Pursuant to policies contained herein and approved by the Board of Commissioners, the Human Resources Director may issue additional written procedures to clarify or explain policies and how they are to be followed. Such written procedures shall be considered a part of this manual and called “Administrative Procedures”.

- 1-2.3 City's Financial Condition – Compensation and employee benefits described in this manual are contingent upon the City's ability to fund a balanced budget each fiscal year. The City Manager may recommend at any time, and the Board of Commissioners approve, adjustments in compensation and/or employee benefits as needed in order to balance the budget. Such adjustments shall be adopted for a specific time period, subject to extension as needed, by the Board of Commissioners.

CHAPTER II

THE CLASSIFICATION/PAY PLAN

2-1 Adoption

On June 26, 2006, by Ordinance BG2006-24, the Board of Commissioners adopted the Classification/Pay Plan prepared and presented by the City Manager for Schedule "G" (General Employees), Schedule "S" (Public Safety Employee) and Schedule "D" (Department Heads/Senior Management Staff). This replaced the Classification/Pay Plan prepared through the consulting work of Management Advisory Group (MAG).

2-2 Plan Composition

2-2.1 Coverage – The Classification/Pay Plan shall consist of the following:

- a. the current Classification/Pay Schedules for classified employees, which include:
 - (1) Schedule G – General Non-Sworn Classified Employees
 - (2) Schedule F – Sworn Fire Department Classified Employees
 - (3) Schedule P – Sworn Police Department Classified Employees
 - (4) Schedule D – Department Head/Management
- b. a description of each classification in the Schedules, including the job duties and a statement of the qualifications required for appointment to a position in each class; and
- c. this chapter.

All classified positions are included in the Plan, with the exception of the position of City Manager. The City Manager's salary shall be determined by majority vote of the Board of Commissioners.

2-2.2 Assignment of Classifications – Classifications that are approximately equal in difficulty and responsibility, and which call for the same qualifications shall be grouped and assigned to the same pay grade. All pay grades have a minimum and a maximum rate of pay.

2-3 Plan Maintenance and Revision

2-3.1 Establishment of Wage Rates – Based on prevailing rates of pay, cost of living factors, the financial policy of the City, and other economic considerations, the pay rates in the classification/pay schedules shall be adjusted annually to reflect DLG (Department of Local Government) cost of living index. The Human Resources Director may recommend to the City Manager amendments in policy or in pay grade for individual classes.

2-3.2 Procedure – The following procedure shall be followed to maintain the Classification/Pay Plan:

- a. A market study/wage survey may be conducted periodically to assure that the compensation plan remains competitive with the market. A combination of step increases and DLG COLA shall be utilized to adjust the Classification/Pay schedules and/or employee salaries.
- b. To be eligible for an annual step increase, an employee must be employed with the City in a classified position for at least six months in the same classification, and have a satisfactory performance evaluation. The step increase is applied after the COLA, if a COLA is provided. A promotion or transfer to a different classification will restart the clock for eligibility if it involves a pay increase. If an employee is reclassified or upgraded and is also eligible for a step increase at the same time, the employee shall receive the step increase after the reclassification/upgrade is applied (reclassification/ upgrade, COLA, then step based on the new pay grade). Senior managers on Schedule D may be eligible for a performance increase rather than a step increase, based on the average step for Schedule G and Schedules F/P employees. Subject to approval by the Board of Commissioners, the City Manager may award additional compensation based on meritorious service.
- c. Amendments to the pay plan shall normally be made in conjunction with the annual budget.
- d. All personnel transactions involving a proposed personnel change shall have the approval of the department head.
- e. Personnel changes will be reviewed by the Human Resources Director with the department head, and a job analysis will be conducted where appropriate.
- f. After personnel transactions have been reviewed, they will be submitted with recommendations to the City Manager for final approval. The Code of Ordinances and/or Kentucky Revised Statutes define what transactions require approval by the Board of Commissioners.

2-3.3 Plan Review – The Human Resources Director shall periodically review the classification of positions and may combine classes, establish new ones, or abolish unnecessary classes as the needs of the service require. All changes in the classification of positions must be approved by the City Manager and confirmed by the Board of Commissioners.

Re-classifications and upgrades recommended by the City Manager shall be considered approved by the Board of Commissioners upon adoption of the annual budget. Recommendations submitted any other time during the year are normally approved by municipal order or ordinance if a change to a classification/pay schedule is necessary.

2-4 Compensation

2-4.1 Minimum Compensation – No employee shall be paid less than the minimum rate prescribed for the class to which he is assigned.

2-4.2 Hiring Range – The minimum rate of pay for a class shall be paid upon original appointment to the class. Appointment at a rate above the minimum may be authorized by the City Manager when it is difficult to recruit qualified persons at the minimum rate for the class, or in recognition of exceptional qualifications of a candidate. The hiring range for new employees is from the minimum to 10% above the minimum rate for the grade for Schedule “D” employees; and, from the minimum to 10% above the minimum rate for the grade for Schedule “G” employees. Schedule F/P employees shall be hired at the minimum rate for the grade, unless otherwise approved by the City Manager.

2-4.3 Maximum Compensation

- a. The base salary for employees who reach or exceed the maximum pay rate for their grade shall be frozen at that level until the range is adjusted to allow movement. If such employee is eligible for a step or performance increase, this increase shall not be added to the base pay, but shall be paid evenly over one fiscal year, effective July 1. Any step/performance increases for employees at or above the maximum pay rate will be administered in this manner until the range maximum is sufficiently adjusted, once again allowing movement through the grade.
- b. With the exception of Public Safety (sworn Police and Fire), Communications Dispatch, and Public Works Operations, an employee may not be paid, or earn compensatory time, in excess of 40 hours in a week when leave accruals are used. Employees must adjust leave accruals during weeks in which hours worked exceed their normal schedule.
- c. Employees may only earn overtime (see section 2-4.4) in a week in which actual hours worked exceed 40 hours.

2-4.4 Overtime Work – The following policies apply to pay for work performed beyond the normal work period:

- a. Human Resources maintains a classification schedule identifying classifications that are non-exempt from the federal Fair Labor Standards Act (FLSA) and Kentucky overtime provisions. These are identified with the FLSA code of "N". Classifications exempt from the overtime law are coded "E."
- b. Employees eligible for paid overtime shall receive time and one-half for overtime work. Any employee classified as non-exempt and subject to overtime pay, excluding fire shift personnel who work the 24/48 hour shift, shall work forty hours in a week prior to being eligible for overtime pay. No paid leave, other than travel or educational leave and job-related civil leave shall be counted toward the forty hours of work unless otherwise stated in Chapter V.

Fire shift personnel who work the 24/48 hour shift shall be paid as follows:

- (1) Fire shift personnel shall be entitled to overtime pay at the scheduled overtime rate for all scheduled work hours actually worked over 40 hours per week.
- (2) Fire shift personnel shall be entitled to overtime pay at the scheduled overtime rate for paid leave that in combination with hours actually worked exceeds 40 hours per week.
- (3) Fire shift personnel shall be entitled to the unscheduled overtime rate for all hours worked past 40 hours per week and that exceed the employee's scheduled work hours that week.
- (4) In the event that a Fire shift employee does not work his scheduled shift in a week, but then works unscheduled hours during that week, the unscheduled hours shall be paid at the employee's scheduled hourly rate until the employee actually works 40 hours that week. The employee will then be paid at his scheduled overtime hourly rate until the employee actually works his scheduled work hours that week. All hours actually worked that week that exceed 40 hours and that exceed the employee's scheduled work hours shall be paid at the unscheduled overtime rate.

Prior written approval of the department head is required for an employee to work in an overtime capacity. Repeated failure to obtain such approval may result in disciplinary action.

- c. Overtime shall be kept to a minimum and shall be utilized to relieve specific occasional peak workloads or emergencies. Since overtime pay is required whenever an employee works over the standard number of hours in a work period (40 hours for most classified employees), equal time off during the same work week is allowed to reduce overtime liability ("flex time").
- d. An employee working on modified duty is not eligible to work overtime (see Section 5-5.8).
- e. Overtime will be counted to the nearest one-quarter hour. The employee must work over at least fifteen minutes to count as overtime.
- f. When daylight savings begins in the spring and shift personnel work one less hour than normal, they shall be paid only for actual time worked. However, departments are authorized to work affected employees an additional hour or the employee may take an hour of accrued vacation/personal leave in order to receive full pay for the shift.

2-4.5 Compensatory Time – On occasions when irregular and unscheduled work is required, compensatory leave may be earned in lieu of overtime, with written approval of the department head. For limitations, see section 2-4.3 b.

- a. Non-Exempt Employees: Employees who are considered "non-exempt" (eligible for overtime) per federal labor standards, may earn compensatory time in lieu of overtime. Compensatory time shall be earned on the basis of one and one half

hours off for each hour worked in excess of forty hours when used in lieu of overtime payment. The decision to accept compensatory time in lieu of pay must be agreed upon in writing by the employee and the supervisor prior to work being performed. Documentation of this agreement will be maintained in the time clock system.

- b. Exempt Employees: Exempt personnel may accrue limited amounts of compensatory time on the basis of hour for hour at the discretion of the department head.

The maximum amount of compensatory time an employee may accrue at any one time shall not exceed 160 hours (106 hours of overtime work), or 240 hours (160 hours of overtime work) for fire suppression employees. Any overtime hours worked beyond the maximum will be paid out as overtime wages.

With the exception of Public Safety (sworn Police and Fire), Communications Dispatch, and Public Works Operations, compensatory time may not be earned in a pay week when other accruals are used unless the employee works over 40 hours.

Excluding Fire Suppression personnel and exempt managers, employees are encouraged to request compensatory time first when requesting time off work prior to other paid leave accruals. This becomes mandatory when the employee has accrued more than 40 hours of compensatory time.

Non-exempt personnel with any accrual may elect to cash in up to forty (40) hours at the end of a quarter at the regular rate of pay by completing the appropriate form. Exempt personnel may carry over up to 100 hours from one quarter to the next.

Upon promotion from a “non-exempt” position to an “exempt” position, all compensatory time will be paid out at the rate of the non-exempt position or the average regular rate received by the employee during the last three years, whichever is higher.

Upon termination of “non-exempt” employment, any unused compensatory time must be paid out at the final regular rate of pay or the average regular rate received by the employee during the last three years, whichever is higher.

- 2-4.6 Promotion/Transfer Pay – Except as stated below, any employee within Schedule G or Schedule D promoted by approval of the Board of Commissioners shall receive 5% of his current salary, or the minimum salary of the pay grade for the classification to which he is being promoted, whichever is greater, not to exceed the maximum salary for the pay grade.

Schedules F/P have truncated ranges so that the maximum base rate in one grade cannot exceed the minimum rate in the next higher grade. Any employee within Schedules F/P promoted by approval of the Board of Commissioners shall move to the minimum salary of the pay grade to which he is being promoted.

Transfers within a job classification at the same pay grade shall not result in any pay change. If an employee seeks a transfer to a classification at a lower pay grade, the employee's pay rate shall not exceed the maximum rate for that grade.

Per Section 3-2.2 e., the City Manager may combine positions and select one of the incumbents to fill the resulting position. In this circumstance, the City Manager may propose a pay increase that exceeds the normal promotion pay increase, with approval of the Board of Commissioners.

2-4.7 Reclassifications/Upgrades – As a result of the classification/pay plan maintenance and revision described in Section 2-3, changes in pay grade assignment may occur. Where an upgrade is effected due to a change in the level of responsibility, the employee shall receive either: five (5%) percent of his base pay; or the minimum pay rate of the grade for which the classification has been reassigned, whichever is greater, not to exceed the maximum pay for the pay grade for which the classification has been reassigned. Reclassifications relate to an entire job classification being moved from one grade to another, and are treated the same as upgrades

2-4.8 Fill-In Pay Adjustment – In the event a position is expected to be vacant for more than sixty days, either due to termination or extended leave of absence, an employee may be designated to serve in an “acting” or “interim” capacity and receive a temporary pay adjustment for performing the duties of the absent employee. The department head must recommend, and City Manager approve any such payment, and the employee must agree to return to his previous classification and/or pay whenever determined by the department head or City Manager. For employees in Schedules D & G, the temporary pay increase shall be 5% of the employee’s base rate, or the minimum pay rate for the grade for the vacant position, whichever is greater. Schedule F/P employees shall be paid at the minimum pay rate for the grade for the vacant position. Assignment pay for Advanced Police Officer, Master Police Officer, or Firefighter/EMT II is removed (reduced in the case of acting Police Sergeant) while the employee is paid the minimum pay rate for the grade for the vacant position

If a step increase is awarded while an employee is on fill-in pay, the employee shall not receive the step increase unless he has served in the fill-in position at least six months. Once the employee returns to his previous position, he will be granted the step increase for that position assuming performance has been at least “fully competent.” Any assignment pay removed during fill-in shall be restored once the employee returns to his previous position.

2-4.9 Assignment Pay – The City Manager can approve use of assignment pay of a flat dollar amount to compensate an employee for taking on higher level responsibilities without changing the employee’s job title or classification; for example, being a “lead” worker with limited supervisory responsibilities over others. Upon approval, conditions may be placed on keeping or removing assignment pay. Assignment pay may be for a particular time frame or for a special need until such time as a more formal classification review is conducted.

2-4.10 Travel Time and Education Time – The City is committed to the continual education and development of City employees. Often, in order to attend an educational or development events, City employees need to travel away from the City of Bowling Green. During these

events, City employees should use the time clock to track their travel time (door to door) as well as their education time (time spent at learning event). It is possible that an employee may have both travel time and education time in a day.

(1) **Travel Time:** The Department of Labor ruled (29CFR 785.39) that travel that keeps a non-exempt employee away from home overnight is compensable. Time spent traveling before/after the employee's regular paid hours is counted. According to the DOL regulation, not counted are: travel for trips not requiring an overnight stay; regular meal periods; nor time spent as a passenger in an automobile, bus, or airplane. However, City policy is that actual travel time (door to door) is considered time worked whether or not as a passenger or overnight trip.

(2) **Education Time:** Time spent at a conference, training, and/or learning event by a City employee is compensable. Employees must request Education Leave based on the time spent in legitimate learning and conference sessions. Meals, voluntary activities, and/or before/after hour social events are not compensable and shall not be included in the request by a City Employee for Education Leave.

Non-exempt personnel shall receive overtime (paid or compensatory) at time and one half after forty hours worked or travel time. Exempt personnel shall receive compensatory leave for eligible travel time.

2-4.11 **Meal Time and Breaks** - KRS 337.355 and 337.365 require employers to provide a reasonable unpaid period for lunch as close to the middle of the employee's scheduled work shift as possible, and a paid ten minute break every four hours worked in addition to the lunch period. Unpaid lunch breaks should be 30 – 60 minutes in length depending on the scheduled hours and departmental policies.

Breaks cannot be combined with the lunch period or otherwise used to reduce the workday/ leave early. Supervisors shall monitor employees' working through lunch in order to reduce the work week or accrue overtime/compensatory time. Authorized exceptions shall be noted in the attendance software.

2-5 Pay Supplements

2-5.1 **Pay Supplements** – As specified below, employees in certain job classifications may be eligible for pay supplements.

2-5.2 **Supplemental Pay** – Upon completion of basic training, sworn members of the Police and Fire departments, as well as any eligible civilian fire prevention officers, are paid a supplement from State funds as determined by the State. This supplement is paid separate from the employee's base pay rate.

2-5.3 **Skill Based Pay** – Certain supplements may be authorized as follows:

- a. **Emergency Medical Technician Pay** – Firefighters, Fire Apparatus Operators Company Commanders who successfully complete and maintain EMT certification are eligible for assignment pay at the rate of \$1,600/year for non-shift personnel and \$0.4808/hour for shift personnel.

- b. Firefighter / EMT II – Employees who achieve the designation of Firefighter/EMT II, as outlined in the Firefighter II Program adopted by the Board of Commissioners, shall be eligible for assignment pay of an additional \$0.4808/hour for shift personnel.

If a Firefighter / EMT II is promoted to a higher rank, the assignment pay for the Firefighter / EMT II designation shall terminate.

- c. Advanced Police Officers (APO) – Employees who achieve the specific requirements for Advanced Police Officer, as outlined in the Master Police Officer/Advanced Police Officer Plan (MPO/APO Plan) adopted by the Board of Commissioners, and are approved by the Police Chief, are eligible for assignment pay in the amount of \$2,500/year.
- d. Master Police Officers (MPO) – Employees assigned as an Advanced Police Officer who achieve the specific requirements for Master Police Officer as outlined in the adopted MPO/APO Plan are eligible for an additional \$2,500/year for a total of \$5,000/year in assignment pay.

If an APO or MPO is promoted to the rank of Sergeant by approval of the Board of Commissioners, the assignment pay for APO/MPO shall be reduced to 50% of the value. If an APO or MPO is promoted to the rank of Captain the assignment pay will be removed.

- e. Advanced Communications Dispatcher – Employees who achieve the specific requirements for Advanced Communications Dispatcher as outlined in the Advanced Communications Dispatcher Plan adopted by the Board of Commissioners, and are approved by the Police Chief, are eligible to receive \$3,200/year in assignment pay.

If an Advanced Communications Dispatcher is promoted by approval of Board of Commissioners, the \$3,200/year in assignment pay for Advanced Dispatcher shall carry through to supervisor and manager.

- f. Other career path programs specifically adopted by the Board of Commissioners, including those for senior office associates, operations technicians, and equipment technicians.
- g. Special Certifications – Employees achieving special certifications sponsored by and having specific value to the City may receive assignment pay in an amount not to exceed \$1,600 annually. Division Managers and Department heads may receive assignment pay for 2 certifications in an amount not to exceed \$3,200 annually. Department heads may receive additional certification_pay with approval from the Board of Commissioners. The certification must be from a recognized professional organization or institution, and be the result of satisfactory completion of course work or attendance at seminars, and/or passing required testing. The department should document the value of such certification to the City, for example, savings on contractual service costs, and being a unique type of training not possessed by many employees. Employees must consistently utilize knowledge and/or skills gained through the certification process in order to maintain certification pay.

Each department shall submit written criteria to the Human Resources Director and the City Manager for review and approval, outlining minimum use of acquired skills required to maintain assignment pay. Failure to meet the criteria as established will result in loss of assignment pay.

An employee shall obtain approval from the department head, Human Resources Director and City Manager prior to pursuing any certifications with the intent of achieving assignment pay. The certification shall not be part of any other program that directly relates to promotion or a skill-based pay increase. City Manager approval shall be required for all assignment pay.

2-5.4 Shift Differential – Sworn police and communications center personnel working C shift shall be eligible for shift differential pay, the amount of which shall be approved by the City Manager during the annual budget process. Shift differential pay shall be removed when the employee leaves C Shift. Communications Dispatcher working B shift shall also be eligible for shift differential pay, the amount of which shall be approved by the City Manager during the annual budget process. Shift differential pay shall be removed or adjusted when the employee leaves B shift.

2-5.5 Training Officer Stipend – As an incentive for performing additional duties, Police Training Officers and Communications Training Officers can be paid an extra hour each day that they are performing PTO/CTO duties with a trainee. Supervisors will monitor to make certain that time is added only on days where such duties are performed. Such extra paid time does not count toward the 40 hours of work time required before overtime applies in a week.

2-5.6 Recruitment and Referral Incentives – As part of recruitment efforts, the City may offer incentive payments to current employees for referring known individuals for positions which the City determine to be difficult to fill or highly skilled. The terms of the pay schedule will be set by notification from the Human Resources office during the time of recruitment. Total amounts paid to an employee during a recruitment cycle may not exceed \$2,000. Department heads are excluded from the referral program.

2-6 Miscellaneous Compensation Matters

2-6.1 General – Classified employees are paid every other Friday, or 26 times per year. Compensation received is for the time worked through the previous week. When a payday falls on a regularly scheduled holiday, every possible effort will be made to have the direct deposit ready for release on the preceding work day. After payroll entry is processed, if there are differentiations from the normal schedule such as different hours worked or leave taken, adjustments will be made in the next payroll cycle.

Employees are paid according to the hours clocked and leave requests submitted and approved. Errors resulting from employee failure to properly enter/submit time will be corrected in the next payroll cycle. As much as practical, overtime and compensatory time must be approved by the supervisor or department head in advance in writing, and at least by the end of the workweek (documented in the attendance software, by email, or forms processing).

No employee other than the supervisor or authorized payroll clerk should enter time or clock in for another employee.

Employees are expected to clock in at the location where they are reporting for duty.

Employees are expected to work their full scheduled shift, and should not clock in or out more than five minutes before or after their work time/meal break. Supervisors shall monitor clock in and clock out times, and address patterns of misuse such as consistent clocking in late/out early.

- 2-6.2 Termination Pay – An employee who is separated or whose services are terminated may receive due pay only on the next established pay day, and will receive his pay after it has been cleared by his department head for return of any City property, or assessment of any outstanding taxable benefits per IRS regulations.
- 2-6.3 School Tax Districts – The City is required to withhold Warren County School Taxes from employees living in that district. Employees shall report a change of address to the Human Resources Department by completing a new tax withholding form if they move into or out of the Warren County school district. Employees who fail to report such a change are obligated to make up the required amount of taxes, due within a time period to be determined by the Chief Financial Officer. Any over payments are the responsibility of the employee.
- 2-6.4 Payroll Corrections – While the City strives to pay its employees correctly, there can be infrequent occasions where payroll corrections must be made. Employees have a responsibility to review their on-line pay stub to make sure that the pay rate, hours and deductions are correct. When it is determined that an employee is underpaid according to established policies and practices, the City will make reasonable effort to correct the pay situation and provide the employee with the correct back pay in a timely manner. If, for some reason, the employee is overpaid, funds must be repaid to the City within reason.
- a. If an employee is paid for a certification and allows that certification to expire without notifying the departmental payroll person in a timely manner, the employee shall be responsible for repaying the City for the entire overpayment through a pay reduction to reflect proper tax and benefit deductions.
 - b. If an employee is underpaid due to a payroll calculation error or over sight, once the error is discovered, investigated, and processed, the employee's pay rate shall be corrected. The employee shall be repaid the amount of the calculated error in a timely manner. Unless otherwise directed by state law, the amount reimbursed shall be limited to the incorrect amount underpaid during the last sixty months.
 - c. If an employee is overpaid due to a payroll calculation error or over sight, once the error is discovered, investigated, and processed, the employee's pay rate shall be corrected. The employee shall repay the City the overpayment through a pay reduction to reflect proper tax and benefit deductions. The employee shall only be responsible for repaying the overpayment accrued during the most recent twenty six pay periods, through the date of pay rate correction.

- d. If repayment by the employee is required, the employee and Human Resources Director will determine a mutually agreeable repayment period, not to exceed sixty months. If the amount to be repaid is less than \$500, the repayment period shall not exceed twenty four months. If the amount is from \$500 to \$1,000, the repayment period shall not exceed thirty six months. If the employee terminates employment prior to completion of repayment, the balance shall become due and payable. Per Section 8-1.2 g., the balance may be withheld from accrued leave payment.

2-7 Performance Management Program

2-7.1 Purpose – The City of Bowling Green utilizes a Performance Management Program (PMP), which emphasizes performance planning and tying employee performance to completion of work goals and objectives. Performance objectives and standards are established at the beginning of the rating period. Employees are then rated on performance dimensions relating to various types of work.

2-7.2 Performance Planning – In order for the performance management program to be fair and objective, it is critical that performance expectations and standards be explicitly communicated to employees prior to the actual rating cycle each year. The rating cycle typically starts with the fiscal year, however, each employee shall have goals and objectives established upon hire, regardless of when the hire date occurs during the fiscal year.

2-7.3 Performance Dimensions – Dimensions have been defined which reflect specific areas of responsibility, duties, skills, knowledge and abilities required for city positions. Several performance dimensions have been identified as common to all city jobs and are therefore included on all of the appraisal forms:

- a. Customer Service and Interpersonal Skills
- b. Compliance
- c. Integrity
- d. Teamwork

Others are more selectively used within employee groupings. These performance dimensions are intended to provide a basis for communicating and evaluating the key employee skills and abilities that are necessary to achieve the assigned performance objectives.

2-7.4 Performance Objectives – Performance objectives are the major end results for which the employee is accountable and are benchmarks from which all activities stem. The performance objectives for each employee should:

- a. establish a clear understanding of the position's responsibilities;
- b. focus on key duties and responsibilities;
- c. state what the position is intended to accomplish;
- d. focus on desired results, not processes;

- e. relate the performance objectives to higher level organizational objectives; and
 - f. state objectives such that they will almost automatically lead to thoughts of measurement.
- 2-7.5 Performance Standards – Performance standards establish and communicate minimum acceptable expectations for employee performance for each objective. Performance standards can most typically be set by using one of the following four measures: Quantitative (how much?); Qualitative (how well?); Cost control/budgetary (what cost?); and Timeliness (by when?)
- 2-7.6 Performance Appraisal Scale – Rating levels can be compared to the standards set forth in the job description for each employee's classification. In this way, it can clearly be determined whether an employee's performance needs improvement, achieves the job requirements, or exceeds job requirements, particularly by providing examples.
- 2-7.7 Annual & Periodic Performance Reviews – The PMP provides for a minimum of an annual "for the record" review and a mid-year progress review session. The program is also designed to permit any supervisor and subordinate employee to agree on more frequent periodic progress reviews as needs and circumstances suggest.
- 2-7.8 Appeal Procedure – The appraisal form provides space for any employee comments of agreement or disagreement with the supervisor's rating and a formal appeal procedure is also available. Any employee may appeal his performance evaluation following the grievance procedures as documented in Section 6-8 – Grievance Procedure.
- 2-7.9 PMP Manual and Training – Separate system and training manuals have been prepared for supervisors and shall be made available.

CHAPTER III

PLACEMENT

3-1 Policy - General Statement

Appointment to a position with the City of Bowling Green shall be made after the candidate has been certified by the Human Resources Department to the operating department. The eligible person must meet the minimum qualifications prescribed for a particular class or position. This shall include employees who have requested transfer or promotion to a vacant position as well as new applicants for employment or re-employment. All original and promotional appointments to classified positions (including transfers to different job classifications) must be confirmed by the Board of Commissioners after approval and recommendation by the City Manager.

3-2 Maintenance of the Placement Policy

3-2.1 Establishment of Eligibility – The following steps are involved in determining eligibility for employment:

- a. The Human Resources Department will coordinate and/or conduct screening interviews of candidates for all classified positions, and for temporary and part-time positions as is practical.
- b. Open, competitive examinations to test relative fitness of applicants for positions may be conducted when deemed appropriate.
- c. The nature of examination used to determine the relative fitness of applicants for appointment to or promotion within the City service differs with the position to be filled, but will include consideration or rating of any or all of the following factors: education, experience, general adaptability, special aptitudes, physical fitness, character, knowledge, skills, and ability to perform the duties of the position.
- d. The Human Resources Department may continue to receive applications and examine candidates beyond the posted deadline, if necessary to assure a sufficient number of eligible candidates.

3-2.2 Promotions and Transfers – Positions shall be filled through promotion or transfer as follows:

- a. Occasionally a vacancy occurs and there are qualified employees within the department capable of performing the required duties. In such a case, Human Resources shall post a Recruitment Memorandum advising classified employees in the department of an opportunity for promotion or transfer, after which the department head may consider and recommend an employee for the position. “Posting” of job announcements are typically done by email and listing the announcement on the City’s Jobs webpage.

- b. Otherwise, when a vacancy occurs, details regarding the position will be posted by Recruitment Memorandum for viewing by all employees. Any employee wishing consideration for promotion or transfer must complete an on-line application. The City may consider employee applications prior to the initiation of recruitment activities for outside applicants.
- c. Vacancies shall be filled by promotion or transfer whenever practical and whenever in the best interest of the City. Competitive examinations shall be given for eligibility as deemed appropriate.
- d. Employees wishing to qualify for promotion in the Police and Fire departments are also subject to the respective department's rules and regulations governing promotions, providing those rules and regulations have been approved by the City Manager as consistent with the Merit System of City employment and/or the public safety promotional procedures approved by the Board of Commissioners.
- e. On occasion, such as due to layoff or elimination of a position or program, there may be need to reassign an employee from one position to another within the same general job classification and pay grade. The department head may approve such a reassignment within the department, or if more than one department is involved, the City Manager may approve such a reassignment without following procedures described above in subsections "a" and "b". The City Manager may also combine positions and select one of the incumbents to fill the resulting position, although a change in pay grade or classification requires approval by the Board of Commissioners.

3-2.3 Re-employment – Former classified employees may be re-employed under the following circumstances:

- a. Former employees with a satisfactory service record may be considered after completing the employment application.
- b. Former employees shall be required to take or retake qualifying examinations as required of any other applicant for employment.
- c. When an employee has left City service and is later re-employed, all previous accrued service and benefits are canceled. This includes previous service time for service awards, leave accrual rates, and accumulated sick leave. Exceptions to this policy are limited to layoffs (see Section 8-2) and military service (see subsection "e" below).
- d. Former employees reemployed will start at the beginning rate for the position, except as approved by the City Manager in accordance with Section 2-4.2.
- e. A classified employee who leaves the City to join the military service may be eligible for re-employment to his previous position, or one of comparable pay, if he reapplies within the required number of days as specified under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

The employee generally is entitled to full credit for City service lost as a result of military service, and thus is entitled to participate in benefits as if his employment had continued without interruption. Accumulated sick leave may be restored, and the employee's

previous appointment date may be used to compute service award benefits and the vacation leave accrual rate (except as stated in Section 5-1.3).

Federal regulations limit the amount of time an individual can be on active duty or guard/reserve status and then be entitled to reemployment rights, generally five to six years, depending on his status and any mandated extensions of military duty.

3-2.4 Nepotism - This section is found in the City Code of Ordinances, Chapter 25 (Code of Ethics), Section 25-11.

3-2.5 Residence Requirements – The City Manager shall reside within the legal limits of the City of Bowling Green. Senior Management Team shall reside within the legal limits of Warren County. Exceptions to this requirement may be carefully considered and approved by the City Manager. Other classified employees are encouraged to live in the City, but there is no residence requirement.

Senior Managers not owning their homes shall be required to move to the respective limits within sixty days of their employment date. Senior Managers owning their homes shall be required to move to the respective limits within six months after their promotion/appointment date. The City Manager may allow one, six-month extension when warranted. Failure to move to the respective limits at the end of the extension period may result in the employee’s termination or demotion.

3-2.6 City owned Take Home Vehicles –The City Manager must approve (and may revoke) all take-home vehicles. Employees that are assigned to a city-owned vehicle may take them home as long as they have approval and their residence is located no more than 35 miles from where they normally report to work. This distance is calculated by utilizing the information provided by Google Maps. At all times, the travel to and from the employee’s residence must remain inside the state boundaries of the Commonwealth of Kentucky. Exceptions may be granted by the City Manager at the request of the Department Head. Employees who drive non-emergency response take-home vehicles are subject to taxes per the IRS. Employees who drive emergency response take-home vehicles are not subject to taxes.

3-3 Types of Appointments

3-3.1 Classified Appointment – An appointment to a regular classified “full-time” City position requires approval by the Board of Commissioners. Employees in classified positions are entitled to full employee benefits. Classified positions are listed in the classification/pay schedules adopted by the Board of Commissioners.

3-3.2 Exempt Appointment – Exempt appointments include all appointments other than classified, including part-time placement, either year-round or for at least nine consecutive months; and seasonal placement, so as to satisfy the need to perform services that are only temporary in nature. A separate *Administrative Personnel Policy and Procedures Manual for Non-Classified Employees* further defines and applies to exempt appointments.

3-3.3 Approval to Fill – Unless otherwise directed, approval of the City Manager is required to fill all positions. A “Request to Fill” form shall be thoroughly completed and submitted to

Human Resources. If a position was authorized to be filled and comes vacant again during the same season, re-approval is not necessary.

3-4 Probation/Training

- 3-4.1 Period – New employees on Schedule G shall be granted an initial/training period. The training period is generally six months. New police officers, firefighters, or communications dispatchers shall be granted a probationary period of one year that starts on the date that he is released from the field training program. The employment services of an employee may be extended at the end of his probationary/training period unless the department head recommends dismissal or extension of the probationary/training period as outlined in Section 3-4.4.
- 3-4.2 Conditions – The probation/training period shall be regarded as a part of the selection process and shall be used to closely observe and evaluate the employee's work. During the probation/training period, any employee may be terminated without the right of appeal. (See Section 7.3.3 regarding pre-determination conference.)
- 3-4.3 Evaluation – A formal assessment of performance will be conducted upon completion of the probation/training period. If performance is not satisfactory, follow-up evaluations will be conducted as necessary and the probationary/training period may be extended. If an employee disagrees with the performance evaluation, he may request a review and submit any written comments, as provided in Section 2-7.8.
- 3-4.4 Extension – If unsatisfactory performance continues, the department head may recommend an extension of the probation/training period rather than termination of the employee. Probation/Training can be extended for any period between one and three months. One additional extension of one to three months may be allowed, with department head recommendation and Human Resources Director approval. The following steps should be taken to extend a probation/training period:
- a. A record shall be made of the conditions of such an extension and that the employee has been counseled about the specific reasons for the extension of his probation/training period.
 - b. In completing the written record of the conditions of the extension, the employee shall sign a statement understanding that termination may occur if needed improvement is not made during the extension period.
 - c. The department head shall submit a Personnel Action to the Human Resources Director along with the above record, requesting the extension, specifying its length and the date on which the extension shall expire. If approved, another review shall be conducted prior to the end of that period. If another extension is required, the same steps shall be repeated.

Occasionally, an employee's performance during the initial probationary/training period may be at least marginally satisfactory but he has been unable to fulfill educational, training, or fitness levels required for successful completion of probation/training. Educational needs may require remedial services, specialized instruction, or professional counseling. In such a case, the department head may recommend an extension of the

probation/training period for a specific period of time, and should follow the same steps cited above.

3-4.5 Dismissal During Probation/Training Period – If a department head recommends dismissal of an employee during probation/training, a Personnel Action should be submitted to the Human Resources Director prior to the end of the probation/training period (whether original or extended). Upon the City Manager’s approval, the employee shall be given written notice of dismissal on the “Employee Disciplinary Notice” form. Dismissal of a classified employee requires confirmation of the Board of Commissioners (see Section 7-2.5).

3-4.6 Reimbursement of Training Costs – In addition to the provisions in Section 4-3 pertaining to Education Assistance, any employee, whether serving a probation/training or not, who leaves employment may be required to reimburse the City a pro-rated portion for training costs.

a. Newly appointed police officers who will participate in the Kentucky Law Enforcement Foundation Fund Program must sign a Reimbursement of Training Costs Agreement. This agreement states that if the police officer leaves employment within three years from the date of graduation from the Department of Criminal Justice Training, the City will seek prorated reimbursement for hiring, training, equipment, salary and fringe benefits costs.

b. Employees allowed to attend specialized training or conferences will be required to repay the City the pro-rated cost of training expenses if they leave employment within 90 days of return from training with a registration cost greater than \$1,000. This provision excludes mandatory training that a certifying body requires for an employee to maintain an existing license/certification needed for the employee to keep their job or for the City to satisfy state or legal requirements.

c. Any waiver of reimbursement shall require documentation by the department head and approval of the City Manager.

3–5 Miscellaneous Placement Policies

3-5.1 Fit for Duty Evaluation – If an employee shows signs or symptoms of physical stress or of not being able to perform the essential tasks of his job, the department head may require a fit for duty evaluation performed by an occupational health service provider.

CHAPTER IV

EMPLOYEE BENEFITS

Benefits provided by the City of Bowling Green to its employees shall not be considered irrevocable. As such, benefits and the level of benefits other than the retirement program may be changed at any time that the City deems necessary and appropriate, or when legislative guidelines or budgetary issues dictate. Any such changes shall be approved by the City Manager and/or the Board of Commissioners prior to implementation.

4-1 Retirement Program

4-1.1 County Employees Retirement System – The City of Bowling Green participates in the County Employees Retirement System (CERS). Membership in the system shall conform to Chapter 78 of the Kentucky Revised Statutes, which includes the following provisions:

- a. Membership is mandatory for all classified employees. It takes five years of service to become vested under the system.
- b. Participation in CERS requires employee contributions through payroll deductions. The City's contribution rates are revised periodically based on actuarial studies.
- c. There is no mandatory retirement age for non-hazardous duty City employees covered under the CERS retirement program. There is a mandatory retirement age of 57 for hazardous duty City employees (see Section 17-2.d of the Code of Ordinances).
- d. For employees participating in CERS as of December 31, 2013, the City will purchase service credit for up to 120 days of unused sick leave at the time of retirement. This program shall be administered in accordance with CERS regulations contained in KRS Chapter 79.
- e. Any employee who is terminating and requesting disability retirement, early retirement or normal retirement under CERS shall submit to the appropriate department head a letter of resignation in accordance with Section 8-1, stating anticipated termination date.

The department head shall then proceed to complete a Personnel Action for submission, along with the letter of resignation to the Human Resources Director.

4-1.2 Deferred Compensation – City employees may elect to participate in a 401(k) and/or 457 deferred compensation plan to supplement retirement savings. Employee contributions and earnings are tax-deferred. Employees may change deduction amounts at any time. Employees may make one-time contributions upon retirement to defer their final vacation leave payment, within allowed federal tax limits.

- 4-1.3 Roth IRA – Employees may elect to participate in a Roth IRA to supplement retirement savings. Employee contributions are not tax deferred but all earnings are.

4-2 Employee Insurance

- 4-2.1 General – The City provides life, medical, vision, and dental coverage for its classified employees, with a portion of the cost paid by the City. Initial coverage for new classified employees begins the first full month following the date of hire. For employees hired during the month of January, insurance coverage will be effective February 1, and so forth.

The City's Section 125 Plan allows employees to save money by using pre-tax dollars to pay the premiums for qualified insurance benefits. Premiums are deducted from gross earnings before taxes are taken out. Federal guidelines require that each employee sign an election form annually to participate in this plan, at no cost to the employee.

Under a federal law called “COBRA”, the City is required to offer covered employees and family members the opportunity for a temporary extension of medical, vision and/or dental coverage at group rates when coverage under the plan would otherwise end due to certain qualifying events. Qualifying events for the employee include termination of employment for reasons other than gross misconduct, or a reduction of work hours. Qualifying events for covered dependents include the above plus the death, divorce or legal separation from the employee, or if the dependent child ceases to be eligible due to marriage or age.

If an employee or dependent has reason to believe a qualifying event has occurred, they should immediately contact the Human Resources Department within thirty days of the qualifying event.

Employees who fail to properly notify the Human Resources Department in a timely manner of dependents (including spouse) who should be terminated from medical coverage could become responsible for paying back premiums and any paid claims on the dependent(s).

- 4-2.2 Re-enrollment Period – Once a type of insurance coverage is selected by an employee, it cannot be changed or dropped except: during the re-enrollment period which will be announced in advance for coverage effective January 1; when dependents are added to the family due to marriage or birth/adoption; when dependents are dropped due to divorce, death, or a dependent child becomes ineligible due to age or educational status; or if a spouse or dependent child loses or acquires other coverage due to changes in employment.

An employee is required to notify the Human Resources Department within 31 days of the qualifying event if he has any change in family status that might affect health insurance coverage for family members.

- 4-2.3 Life Insurance – The City offers double-indemnity term group life insurance coverage to its classified employees, with additional coverage available at a reasonable cost to the employee.

- 4-2.4 Medical Benefits – The City offers its classified employees major medical and hospitalization for a monthly premium, as determined by the Board of Commissioners. If two classified employees are married and have no children, each shall have single

coverage. An employee's spouse who has a "group plan" offered through his employer must enroll as primary in that plan. The spouse may retain secondary coverage on the City's plan if so desired. A plan booklet explains the provisions of the medical benefits program.

The City may contribute funds to a plan with a Health Reimbursement Arrangement (HRA) that accumulates funds to help offset certain eligible medical expenses. The balance in the HRA account can be accessed for eligible medical expenses if the employee immediately retires through CERS or elects COBRA coverage upon termination of employment.

- 4-2.5 Dental and Vision Care Insurance – The City offers its classified employees dental and vision care insurance, with dependent coverage available at a cost to the employee.
- 4-2.6 Other Insurance – Employees are also covered by the Worker's Compensation Act and the Unemployment Compensation Act, the insurance cost of which is paid by the City. Classified employees have the opportunity to purchase accident and disability insurance for off-the-job injuries and illness, and whole life and critical illness/cancer insurance. Dependent coverage may also be available.

4-3 Educational Assistance

- 4-3.1 General – It is the policy of the City to offer educational assistance to employees. The City may reimburse 100 percent of the cost of tuition and books for any classified employee enrolling in a training course, subject to the maximum reimbursement limit established by the City Manager.

Employees are not eligible to participate in the program until after they have completed their probationary/training period (exception: firefighters seeking EMT certification).

The following prioritization for funding will be followed if needed due to budgetary considerations:

- a. employees in approved degree program, associate and bachelor's degrees funded before master's degrees.
 - b. job-related classes.
 - c. classes relating to other City jobs to which the employee might aspire.
- 4-3.2 Degree Programs – An employee must have a current degree program on file in Human Resources. Employees who are pursuing a degree program must submit to the department head, a detailed outline containing required classes for the program prior to enrollment in such a program. The department head and Human Resources Director will review the program and either accept or reject the program in its entirety. In the event that approval is granted the employee may be reimbursed only for those classes listed on the approved degree program. Any revision in the approved program must be requested in writing to the same review panel.

In general, almost any bachelor's degree program will be approved for education assistance since such programs include numerous general, basic courses. In order to obtain assistance, a master's degree must be approved by the City Manager. No PhD's, or equivalent, will be funded. In order for a master's degree to qualify:

- a. the degree must directly relate to the employee's prospective career path with the City, or another City position to which the employee could reasonably aspire; and
- b. the employee must provide a written statement describing how the degree program will benefit the City organization and justifying the business reason for approval.

4-3.3 Work-Required Training – If the department head requires an employee to take a specific course to improve job-related abilities, the City will pay tuition and book fees in advance of the course.

4-3.4 Restrictions – Reimbursement shall be subject to the annual maximum reimbursement dollar limit set by the City Manager. Employees must inform their department heads of their intention to enroll for a course to be reimbursed prior to registration so that department heads can budget and staff accordingly.

An employee leaving City service shall repay the City for any tuition and book expense reimbursement received within the previous 36 month period, except when training is required as in Section 4-3.3. Repayment shall be calculated as follows: 100% of all reimbursements made in the last 12 months of employment; and 30% of all reimbursements made in the 24 month period prior to the last 12 months. Repayment will not be required if the employee retires on disability. Failure to make repayment shall result in forfeiting payment for accrued leave and re-employment rights, and could affect future employment references.

Correspondence classes should be completed in one year. If an employee wants to take correspondence courses or attend another college other than WKU (or ECU for law enforcement), and WKU offers a similar or comparable course or degree program, the City will reimburse tuition up to the tuition rate charged by WKU for that number of credit hours, or the actual tuition rate, whichever is less.

4-3.5 Time for Class Attendance – Generally, employees shall take courses on their own time. If a class is directly job-related and is only offered during working hours, the department head may allow time for class attendance. Otherwise, the employee may request an adjustment of the work schedule by his supervisor. The department head shall rule on the feasibility of the request. Allowed time for class shall not count as time worked when calculating overtime for the week.

4-3.6 Approval and Reimbursement Procedure – Prior to enrolling for a class, the employee must complete and submit an "Education Assistance Application" form. The department head and Human Resources Director must approve the form within fifteen calendar days after the beginning of the semester in order to be eligible for reimbursement. Upon completion of the course(s), the employee must submit to the Human Resources Director proof of satisfactory performance in the class (copy of certificate of satisfactory completion for vocational course; grade of "C" for undergraduate course; grade "B" for graduate course) and 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.

- 4-3.7 Equivalency Tests – For any employee working toward a high school equivalency diploma (GED), the City will pay for any application fee, books, study materials, and test fee without reimbursement by the employee. For an employee in an approved degree program, working toward college credit by taking equivalency examinations (such as CLEP), the City will reimburse the cost of the test fee upon presentation of receipt and proof of satisfactory completion of the test for course credit. Reimbursement per semester shall be for up to four tests with a maximum limit of \$150. An “Education Assistance Application” form must be completed and approved prior to taking any equivalency tests.
- 4-3.8 Certification Training – The City may pay for, or reimburse the employee for certification, training, testing, and/or preparation for testing for non-college training or professional certification programs that benefit the employee and the City. Department head approval is required. If the employee does not successfully pass testing on the first attempt, the City may cover 100% of the expense of a second attempt. If the employee is still unsuccessful, any expenses for future tests will be the responsibility of the employee.

As a condition of City payment, the employee shall be required to sign a statement agreeing to reimburse the City for its direct related expenses if the employee terminates employment within twelve months of the City payment, with the reimbursement to be pro-rated based on the number of full months since City payment.

4-4 Uniforms and Equipment

- 4-4.1 Public Safety – All sworn Police and Fire Department employees will be provided with complete uniforms and accessories when hired and will have an amount designated for annual replacement of needed items. Shoes and socks, only if a standard part of the full uniform, shall be included in the uniform allowance. Employees are responsible for maintaining their own uniforms.

The Police Chief may approve the purchase of alternate clothing items for sworn personnel, (i.e. undercover officer, detective business attire) utilizing the employee’s uniform allowance, as necessary, to benefit the operation of the department.

Items listed as “taxable uniform items” shall be considered income and the employee shall be taxed in accordance with IRS regulations.

- 4-4.2 Maintenance – All Public Works and Parks and Recreation Maintenance personnel will be provided with work uniforms when hired. Shoes and socks, only if a standard part of the full uniform, shall be included in the uniform allowance. Employees are responsible for maintaining their own uniforms. New uniforms will be provided for these employees in accordance with established replacement schedules and within budgeted amounts. Items listed as “taxable uniform items” shall be considered income and the employee shall be taxed in accordance with IRS regulations. Generally, the IRS rules that clothing is not taxable if the employee is required to wear it as a condition of employment, and the clothes are not adaptable to street wear.

4.4.3 Safety Shoes – Safety shoes are required on the job for designated personnel. The City shall provide an allowance for the purchase of safety shoes. Shoes will be replaced based upon need. The amount of the allowance shall be set with each budget. Additional safety equipment will be provided by the City as deemed necessary for protection of employees.

4-4.4 Department Mandated Clothing – If it is mandatory that, during working hours, employees wear uniforms and safety equipment which are provided to them by the City, in an effort to standardize appearance within the Division/Department, or for safety purposes, the Department will work within budgeted amounts to provide a reasonable allowance for such uniform shirt, pants, jackets and other articles of clothing, except shoes and socks. Departments shall adopt guidelines regarding the replacement cycle for such uniform articles and the return of those uniform articles upon separation from City employment. Items listed as “taxable uniform items” shall be considered income and the employee shall be taxed in accordance with IRS regulations.

When clothing provided by the City, bearing the City seal or identifying patch, is worn during working or non-working hours, the employee shall act in a manner consistent with behavior deemed appropriate of an ambassador for the City.

4-4.5 Optional Clothing (Non-Sworn) – Optional City provided clothing includes shirts, sweaters, jackets and other articles of clothing which are provided to employees in order to promote the City through visibility of the City logo or City-related identifying patch. The City logo or identifying patch shall be on each article of clothing provided by the City. Optional clothing shall not include shoes and socks. Each Department/Division shall use prudent judgment in budgeting amounts for such clothing per individual employee, not to exceed \$225 per employee per fiscal year. Departments/Divisions should adopt guidelines regarding replacement of such optional clothing articles on a demonstrated need basis. Items listed as “taxable uniform items” shall be considered income and the employee shall be taxed in accordance with IRS regulations.

4-4.6 Prescription Safety Eyeglass Replacement – Safety glasses are provided as needed, per Chapter XV of the Risk Management Manual.

4-4.7 Cellular Telephone – Cellular telephones assigned to City employees are intended for employee use while on duty or on-call. All City provided phones must have a business affiliated greeting and may be used for city business and limited personal calls. City provided cell phones are property of the City and the employee has no expectation of privacy regarding phone records. These records may be subject to open records requests and shall be subject to inspection by the City. The employee shall cooperate in providing access to cell phone records, and refusal to cooperate may result in disciplinary action up to and including termination.

Authorized employees may choose to utilize personal cell phones for business purposes. In such events, the City shall provide a quarterly reimbursement with the submission of the proper form and approval by the department head. The employee must agree to certain conditions listed on the reimbursement form.

4-5 Service Award Program

- 4-5.1 Purpose – The purpose of the service award program is to show appreciation to the employee for his faithful service. Certificates and awards specifically designed for the City are presented to those eligible employees.
- 4-5.2 Awards – Classified and non-classified employees with continuous employment exceeding five years will be eligible for a service award at five-year intervals. Employees may select from several awards offered for each interval.
- 4-5.3 Eligibility Limitations – Classified employees who leave City employment and return at a later date shall not be given credit for prior service, unless due to layoff (see Section 8-2.2). An employee whose service terminates for any reason prior to his appropriate anniversary date shall not be eligible to receive an award, with certain exceptions as follows:
- a. The employee shall receive an award if he retires voluntarily or is required by reason of physical disability to retire within 90 days of the appropriate anniversary date.
 - b. The employee's family shall receive the award if he dies within 90 days of the appropriate anniversary date.

Questions concerning an individual employee's eligibility under this program shall be determined by the Human Resources Director.

4-6 Employee Assistance Program (EAP)

- 4-6.1 Purpose – The Employee Assistance Program assures that any City employee or immediate family member receives confidential professional assistance to resolve a medical or personal problem, which might affect the employee's job performance.
- 4-6.2 Self-Referral – Any employee who experiences a personal difficulty or problem, which might affect his job performance, may receive confidential assistance by contacting the EAP service provider directly.
- 4-6.3 City Referral – A referral by the City shall ordinarily be the result of:
- a. a decline in work performance, unsatisfactory attendance, poor attitude, or unusual behavior that may be caused by a personal problem;
 - b. a particular on-the-job incident which indicates the presence of a personal problem; or,
 - c. a request from the employee to his supervisor for advice or assistance regarding a personal problem.

If an employee's performance or attendance is unsatisfactory it shall be called to his attention through regular procedures by the supervisor. If it is determined by a supervisor that an employee's performance is being adversely affected by a personal problem, the supervisor may review the matter with his department head. The supervisor shall inform

the employee of the services available through the EAP, although these services should not be offered as an alternative to disciplinary action.

It shall be the responsibility of the employee to comply with referrals for the assessment of his problem and to cooperate and follow the recommendations in treatment.

4-6.4 Service Provider – Counseling is provided by:

MaxWell EAP
888-550-5535

4-6.5 Procedure for Obtaining Assistance – When the employee or immediate family member calls the EAP, he should identify himself as a City employee or immediate family member, so that counseling will be charged to the City's contract. Employees and family members can each have up to eight free visits per fiscal year per episode/problem. Additional services may be available through the medical benefits plan.

4-7 Flexible Spending Accounts

4-7.1 Purpose – IRS Code Section 125 relating to pre-taxed insurance premiums also allows for pre-taxed dependent care and medical reimbursement plans. The employee can elect to have a specified amount of pre-tax dollars deducted from each paycheck, which are then used to pay for eligible expenses. Money is deducted before taxes are taken out, and placed into a reimbursement account. Upon presentation of receipts, the employee is reimbursed from the account. The City's "plan year" is January 1 – December 31.

4-7.2 Allowable Contributions – There are federal limits on the maximum allowable contribution for a dependent care reimbursement plan. For the medical reimbursement account, the City has established a minimum annual contribution level of \$390 and maximum as set by federal law. Deductions are distributed evenly from paychecks throughout the plan year.

4-7.3 Annual Enrollment – Deduction amount changes and new enrollments are effective each January 1. New enrollment is required annually. A change in deduction amount cannot be made during the plan year except due to a change in family status as allowed under the Section 125 Plan. Only eligible expenses incurred during the plan year may be reimbursed from the account accrued during that period. All claims incurred during the previous plan year must be submitted within ninety days of the end of the plan year. A participating employee may carry over up to \$500 of the unused medical flexible spending account (FSA) balance from one calendar year to the next. If an employee does not enroll in the medical FSA the next calendar year, he can still carry over up to \$500 from the previous year with a required minimum of \$25 remaining to establish a roll over account. The FSA card cannot be used to pay for expenses incurred in the previous calendar year; a claim form must be submitted.

4-7.4 Reimbursement – To receive reimbursement from a spending account, the employee must complete a claim form and submit any necessary receipts. It is the employee's responsibility to maintain a copy for tax records. The same expense cannot legally be claimed on both the FSA and HRA accounts.

CHAPTER V

LEAVES OF ABSENCE AND HOLIDAYS

5-1 General Statements

5-1.1 Definition of Leave – Leaves of absence with pay include but are not limited to: vacation, sick, injury, maternity/paternity, bereavement, civil, administrative, personal, employee appreciation, and military. For limitations, see section 2-4.3 b. Leaves of absence without pay may include but are not limited to: sick, maternity/paternity, administrative and military. An employee must be on a leave of absence with pay to accumulate benefits.

5-1.2 Computing Leave Credit – A new employee shall begin earning vacation and sick leave the month following the hire date. In the final month of employment, the employee shall earn a full month's credit if he works at least half of the working days in the month. Monthly vacation and sick leave earnings shall be credited during the pay period that includes the 15th of the month.

5-1.3 Non-Accrual Months – An employee does not earn leave in any month in which he is:

- a. on approved leave of absence without pay for more than half of the working days;
- b. on approved leave of absence for more than half of the work days due to a worker's compensation injury or illness;
- c. suspended for more than half of the working days; or
- d. on unapproved absence without leave for two or more working days.

5-1.4 Promotion, Demotion or Transfer – Any employee promoted, demoted, or transferred may retain all accumulated accrued leave.

5-1.5 Requests for Leave of Absence – All leave shall be requested by the employee and approved by the supervisor, division head or department head.

All requests for voluntary leave of absence shall be submitted in advance of the beginning date of the leave, to the supervisor, division head or department head. Individual departments may establish a deadline for requesting leave in advance of the absence. Requests for sick leave, bereavement leave or injury leave, along with appropriate explanation of such, shall be directed to the employee's appropriate supervisor.

5-1.6 Report of Employee Leave Time – All types of leave, whether with or without pay, must be requested in advance or approved after the fact if advance notice was not feasible. Requests for leave are submitted and approved electronically.

Vacation leave and sick leave with pay may be recorded in one-quarter hour increments. A Personnel Action must be completed and submitted to place an employee on modified duty or injury leave, and to remove an employee from modified duty or injury leave.

- 5-1.7 Reporting – When an employee is not able to report to work due to an accident, illness, extreme weather conditions, or any other reasons, he shall be responsible for notifying his supervisor, or other authorized personnel, by the beginning of the assigned work period, and shall advise the supervisor regarding the employee's anticipated date and/or time of return to work.

Calling and leaving a voice message for, or texting/emailing a message for a supervisor or another employee does not constitute approved leave. An unauthorized absence from duty during required hours of attendance shall be treated as an absence without pay and may be grounds for disciplinary action. Where conditions warrant and adequate reasons for failure to secure authorization prior to the absence are found by the supervisor or department head to exist, with burden of proof being upon the employee, the absence may be authorized by a retroactive grant of leave.

Any employee who does not properly notify the appropriate supervisor or department head and fails to report for work for three consecutive working days shall be considered to have voluntarily resigned his position. See Section 8-1.3 Failure to Give Notice.

- 5-1.8 Absences Due to Adverse Weather Conditions – Since the City has essential services that must continue to operate during inclement weather, it is not practical to close municipal operations. In the event of extremely adverse weather conditions, any employee who does not report for scheduled duty assignments will be required to charge such absences to accumulated leave time (personal days, vacation leave, or holidays), or if necessary, leave without pay.

If a formal state of emergency is declared by the governor or local elected officials directing people to stay off the roads or to avoid work locations in Bowling Green, the City Manager may implement the closure of City buildings to the public. Employees may elect to use leave accruals or work from home if they have the resources and permission from their supervisor. The City Manager shall have the discretion to enact other policy due to an extreme weather event.

- 5-1.9 Computing Leave Used - Fire Department – With the exception of vacation leave, injury leave, and holiday leave, an assigned 24-hour work shift shall constitute two working days in computing all types of leave used by Fire Department personnel working on the 24-hours on/48 hours off shift basis. (In computing vacation, injury and holiday leave, eight hours shall constitute one "working day"; one 24-hour shift is equivalent to three "working days.")

Per Kentucky Administrative Regulations (803 KAR 1:063), fire shift personnel can trade time and this practice will be deemed to have no effect on hours of work as long as the trading of time is done voluntarily by the employees and not due to the department's operations, and a record is maintained of all time traded.

- 5-1.10 Doctor's Statements/Fit for Duty Assessment – When an employee is on approved sick leave, leave without pay, injury leave, or any other extended absence not specifically listed herein, and indicates that he is ready to return to work, the City reserves the right to require a doctor's statement thoroughly explaining the employee's ability to perform essential job duties, and any temporary or permanent limitations. The explanation must be satisfactory to the department head before the employee shall be allowed to return to work, so as not

to jeopardize the health and well-being of either that employee or fellow workers. The doctor's statement shall be forwarded to Human Resources.

If an employee is absent or on modified duty for more than sixty consecutive calendar days, the City may require a "fit for duty" physical evaluation performed by an occupational health service provider, and/or physician review, in order to return the employee to full duty.

- 5-1.11 Call to Work While on Leave – In the event an employee is off work on approved leave and then is called into work due to emergency or other reason, only leave time already used that day will be charged and the rest of the leave cancelled and unused. The employee shall then be paid for actual hours worked in addition to leave time already used.

5-2 Leave of Absence Without Pay

- 5-2.1 Eligibility – The City Manager may grant a leave of absence without pay for up to 30 calendar days. For a leave of absence involving childbirth, adoption, or personal or family illness, see Section 5-13 – Family/Medical Leave.

- 5-2.2 Leave First Exhausted – Leave of absence without pay is not normally granted until all eligible accrued leave has been exhausted. Exceptions can be made when the employee is working a flex schedule (e.g., golf courses close due to inclement weather), or in conjunction with military or Family Medical Leave. An employee may have accrued sick leave but take a leave of absence without pay for a non-medical absence, or when the circumstances do not qualify for use of paid sick leave.

- 5-2.3 Requesting Leave of Absence Without Pay – Request for leave without pay shall be submitted in writing to the department head, and City Manager if the absence is to exceed five working days. The request should state the reasons for the absence, the date the leave shall begin, and the probable date of return. If the actual absence exceeds the approved period, another request must be submitted and approved in order to extend leave status.

- 5-2.4 Status of Benefits – Any employee entering a leave of absence without pay status shall cease to earn vacation and sick leave in accordance with Section 5-1.3.

Except as provided in Section 5-13 – Family/Medical Leave, for any month in which an employee is on approved leave of absence without pay for more than half of the working days, he shall be responsible for payment of health insurance premiums if coverage is to remain in effect. Premiums shall be paid in advance by the 10th day of each month for coverage to be effective the following month.

If an employee has applied for disability retirement by the time leave of absence without pay status begins, the City will pay its share of the cost of continuing health insurance coverage until notification is received regarding approval or denial of disability retirement, up to a maximum of three months. The employee shall be responsible for paying, in advance, any insurance costs usually deducted from the paycheck, such as his share of the medical, dental, additional life insurance coverage, or the optional specialty insurance.

5-2.5 Termination of Employment – Unless on approved family/medical leave, an employee who has been on leave without pay status for more than 30 calendar days may be terminated upon approval by the department head and City Manager. The City Manager shall have the authority to make exceptions to this rule.

5-3 Sick Leave

5-3.1 Rate of Earning – Sick leave shall be earned at the following rates:

- a. Sick leave for most classified employees is earned on the basis of one "working day" or eight hours per month of service.
- b. Sick leave for Fire Department personnel working 24 hours on/48 hours off is earned on the basis of twelve hours per month of service.

5-3.2 Accumulation – Earned sick leave may be accumulated up to a maximum of 180 days. Employees are paid for any hours in excess of the 180 days (1,440 hours/2,160 hours for Fire shift personnel), in an amount equal to one-half of the base rate straight-time value. Retirement contributions are not withheld.

- a. Employees that are rehired to work for the City of Bowling Green within five years of their separation date may have half of their sick leave reinstated. The maximum amount to be reinstated is 4 weeks (20 days). It will be available to the employee to use after six months of consecutive employment. Employees that retired are excluded from this policy.
- b. Employees that are hired by the City from an agency in Kentucky that participates in the KPPA (Kentucky Public Pension Authority) may have their sick leave transferred from their agency to their City accrual bank after six consecutive months of employment. Employment with the agency must be active at the time of offer. An official letter from the Human Resources office stating the number of sick hours available must be presented to the City of Bowling Green Human Resources office on their first day of work. The maximum number of hours to transfer is the equivalent of five years (60 days). Employees that retired are excluded from this policy.

5-3.3 Uses of Sick Leave – Sick leave shall not be considered as a right that an employee may use at his discretion but shall be allowed only in the case of necessity. Employees are prohibited from working at off duty employment while on approved sick leave from the City. For the reasons listed below, sick leave is a privilege granted by the City, not a form of additional vacation time. Misuse of sick leave is cause for disciplinary action. Sick leave may be used for authorized absences necessitated by reason of:

- a. Personal illness, off-the-job injury, or visits to physicians that cannot be accomplished during off-duty hours.
- b. Enforced quarantine of the employee in accordance with community health regulations.

- c. Illness, surgery, or accident necessitating that the employee care for an immediate relative (spouse, parent, child, or sibling) when approved by the supervisor.
- d. Maternity/paternity purposes, including pregnancy of/childbirth by employee/spouse/significant other only. (see Sections 5-2 – Leave of Absence Without Pay and 5-4 Pregnancy and Parental Leave).
- e. On-the-job injury after injury leave is exhausted (see Section 5-5.6 for further information).
- f. Sick leave shall not be used for time off for an injury incurred while working for another employer provided the injury is covered by Kentucky Workers' Compensation laws or by paid leave of the other employer. Sick leave shall not be used for such injuries if the outside employment had not been approved by the department head.
- g. The placement of a child with the employee for adoption or foster care.

5-3.4 Reporting Sick Leave – The following procedure shall be used to properly report and receive paid sick leave:

- a. Prior to the scheduled time to report to duty, an employee shall notify the supervisor or appropriate person of his intent to use sick leave.
- b. Upon returning to work the employee must complete, and submit for division/department head authorization, a leave request. For purposes of maintaining accurate payroll records, division/department head approval is required prior to any absence being classified as sick leave.
- c. For any sick leave occurring before or after a holiday or other scheduled day off, or sick leave in an instance where sick leave:
 - (1) is in excess of three days; and/or
 - (2) is requested by an employee who has a record of repetitious usage of short amounts of sick leave over an extended period of time; the supervisor or department head may require the employee to submit a medical statement indicating the date that the employee may return to work. The Department Head and/or Human Resources Director may require a medical examination upon returning from sick leave or on such occasions that it is in the best interest of the City. A physician designated by the Human Resources Director shall administer the medical examination.
- d. The Department Head and/or Human Resources Director may investigate the alleged illness of an employee absent from work utilizing sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action, including dismissal.

- e. Failure to provide requested documentation in a reasonable time frame to support the use of sick leave may result in a delay of the approval of sick leave usage.

5-3.5 Credit/Payment for Sick Leave Upon Retirement – For employees who are participating members of CERS as of December 31, 2013, the City will purchase service credit for up to 120 days (960 hours/1,440 hours for Fire shift personnel) of unused sick leave at the time of retirement. This program shall be administered in accordance with CERS regulations contained in KRS Chapter 78.

To receive this benefit, the employee must retire within 24 months of terminating employment with the City.

Employees who retire with more than 120 accrued sick days shall receive cash payment for the number of days over 120, at the rate of \$40/day.

Upon disability retirement from City service, an employee will be allowed to be paid for any sick leave accrued in excess of the 120 days before the disability retirement date becomes effective. Before such payment is made, however, the employee must have provided sufficient medical evidence to qualify under the disability retirement regulations of the appropriate retirement system.

5-3.6 Sick Leave Bank – The purpose of the Sick Leave Bank (SLB) is to provide sick leave to participating employees who have suffered an unplanned non-work-related personal illness, injury, disability or quarantine and whose accumulated leave is exhausted. This would help to preserve an employee's health insurance coverage while he/she is on extended leave of absence without pay.

5-3.7 Sick Leave Bank Membership Provisions –

- a. Only classified and non-classified employees of the City, in departments under the jurisdiction of the City Manager, are eligible to voluntarily participate in the Sick Leave Bank by becoming contributors. The employee must have been employed with the City for at least twelve months and have accumulated at least ten days of sick leave in order to join the SLB.
- b. Enrollment periods are available during the months of June and December each year. Annual contributions will be assessed annually (June or December) on the anniversary of the employee's enrollment.
- c. Contributions of sick leave to the SLB are non-refundable, except in the event of the termination of the SLB. In the event the SLB is terminated, the total number of days on deposit shall be returned proportionately to the then participating members and credited to their sick leave accumulation.
- d. Employees participating in the SLB may cancel their participation in the Bank at any time, by submitting written notice of cancellation to the Director of Human Resources. Any contributions assessed prior to leaving the SLB are forfeited.
- e. A member shall lose the right to obtain the benefits of the SLB by:

- (1) Termination of employment, including resignation and retirement;
- (2) Cancellation of participation;
- (3) Refusal to honor required assessments; and,
- (4) Refusal to comply with the policies and procedures of the SLB.

5-3.8 Sick Leave Bank Contributions –

The initial contribution to the SLB will be two days. The amount of “one day” is defined as the amount of sick leave earned by an employee in one month.

- a. Each year on the anniversary of the employee’s enrollment, one additional day will be contributed and will continue annually for the duration of the employee’s participation in the SLB.
- b. If an employee joins the SLB but for some reason has exhausted all sick leave and has no sick leave to contribute during any consecutive year they will only be eligible for the Initial Membership benefits until the employee is able to contribute the sick day required for Full Membership.

5-3.9 Leave Usage –

- a. SLB days may be granted for any FMLA qualified event as defined in Section 5-13 of the personnel manual.

Membership types:

- Initial Membership: In the twelve months following an employee’s initial enrollment into the SLB the employee will be eligible for a maximum for six weeks of pay at 100% salary.
 - Full Membership: After the second contribution of sick leave, that occurs one year after the initial enrollment, the employee will be eligible for twelve weeks of pay at 100% salary. As long as the employee is able to make their annual contribution of one day their eligibility will remain at twelve weeks of pay.
- b. Employee maternity absences would be covered as follows: for a normal pregnancy and delivery, SLB benefits could be used until six weeks after delivery, following the period described in “F” below; for a maternity-related illness involving complications, maternity would be treated as any other disabling illness.
 - c. A work-related injury or illness shall not be covered under SLB benefits.
 - d. Benefits allowed due to extended illness of a family member shall also require certification of a medical provider as described in Section 5-13 of the personnel manual.

- e. A participant shall not receive any days from the SLB until all accumulated sick, vacation, personal, comp, and/or holiday leave has been exhausted, and the employee has been placed on approved leave of absence without pay status (Sec. 5-2 of APPM). The employee must be on approved leave of absence without pay for at least seven consecutive calendar days prior to qualification for SLB benefits. Any SLB benefits shall not commence until after the seven-day period.
- f. All requests to draw upon the SLB must be made upon an approved request form and submitted to the Director of Human Resources. When a qualifying absence is anticipated in advance, the request should be submitted beforehand; otherwise, it should be submitted as soon as the employee knows approved leave of absence without pay shall exceed seven consecutive calendar days.
- g. An employee drawing on the SLB will be required to provide medical certification. This provision also applies to the immediate family member of the employee, if the employee plans to draw from the SLB due to the family member's eligible illness/injury.
- h. A member is limited to the maximum limit in a twelve month rolling period beginning on the first day of usage. A member may only use the maximum amount two of every four years.
- i. During the period in which the employee is using SLB benefits, the member shall be paid only for days or hours that he would normally have been scheduled to work.
- j. Members being paid through the benefits of the SLB will not be eligible to accrue any paid leave.
- k. If a holiday falls during the period that a member is using SLB benefits, the day shall count toward the SLB maximum limit since he would not have been paid for the holiday otherwise.
- l. Exceptions to leave accrual and holiday pay are to any member that is covered under the protection of the Family Medical Leave Act at the time the SLB is being paid out. Members using benefits from the SLB that have exhausted FMLA will not accrue paid leave or holiday pay.
- m. Non-classified personnel shall be allowed SLB benefits based in direct proportion to the number of sick leave hours earned per month.
- n. An employee receiving SLB benefits shall be considered on leave of absence with pay for the allowed period, however all time away from work after the employee's own accumulated leave has exhausted shall be deducted from the anniversary review date.

5-3.10 Paid Leave Donation Program – The Paid Leave Donation Program is established to allow a qualified employee who has exhausted all his paid leave hours a means of financial assistance through the contributions of vacation, personal, sick, and/or compensatory

leave accruals from fellow employees. A qualified employee is any City employee who accrues leave and has a personal catastrophic illness or injury occur to him or an "immediate relative" (spouse, child, parent), and who has exhausted all paid leave hours (including Sick Leave Bank benefits if applicable). "Catastrophic" is defined to include hospitalization, an outpatient surgery/procedure, or a lengthy illness expected to last more than one week. Only employees who have completed the initial probationary/training period will be allowed to donate accrued leave under this program.

An employee needing the benefits of this Program must make the need known, by completing the "Request for Leave Donation" form, or by asking his supervisor to complete it on his behalf only after the employee has agreed for his personal health information (PHI) to be discussed. Donated accrued paid leave will be converted on a straight hour-for-hour basis to the recipient employee's accrued sick leave balance. The tax liability associated with the donated leave will be the responsibility of the recipient. All leave donations will be voluntary and no employee may intimidate, threaten or coerce any other employee with respect to donating or receiving leave under this program. The employee must be on leave without pay for seven consecutive calendar days before receiving leave donations. Only one period of Leave without pay must be met between Sick Leave Bank and the Leave Donation Program. If eligible, the employee shall be placed on Family/Medical Leave with the initiation of leave without pay. Leave time will be credited as needed in each payroll period until the employee returns to work. The employee does not earn sick or vacation leave in any month in which he did not work or use his own accrued leave to cover at least half of the working days. The employee may earn personal leave on January 15 if they meet the eligibility in section 5-12. The employee does not earn holiday leave if he does not work or use his own accrued leave to cover the rest of the work week, or for Fire and Police employees who earn holidays by quarter, any quarter in which the employee does not work or use his own accrued leave to cover at least half of the work days. Leave donations shall be limited to a total of 26 weeks of leave within a three year period.

5-4 Pregnancy and Parental Leave

5-4.1 Definitions

Parental Leave – Paid or unpaid leave for an employee after the birth of a child/children, the adoptions of a child/children or the new placement of a foster child/children. This time is intended for bonding, adjusting to new family additions, or making arrangements for childcare or appointments.

Pregnancy Leave – Paid leave due to a temporary pregnancy related condition during a pregnancy or after delivery and birth.

Administration – The City provides Pregnancy and Parental Leave of absence to all eligible employees in accordance with the Pregnancy Discrimination Act (PDA), Americans with Disabilities Act (ADA), Kentucky Pregnant Workers Act, Family and Medical Leave Act and any other applicable laws.

The Human Resources Department (HR) is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about Pregnancy or Parental Leave that are not addressed in this policy, please contact HR.

It is the employee's responsibility to keep his/her supervisor apprised of the expected leave and to work with HR in completing the necessary documentation and paperwork.

Eligibility – Parental Leave may be granted to any employee who is expecting a child, or for the placement of a child for adoption or foster care.

Paid Pregnancy and/or Parental Leave eligibility requirements are as follows:

- (1) Employed with the City for at least six months.
- (2) Eligible for leave accruals.
- (3) Medical certification from a doctor of the pregnancy for Pregnancy Leave or certified documentation of a birth, adoption or foster placement for Parental Leave.

Length of Leave – All employees are eligible for a maximum of twelve weeks of Parental Leave. This leave may be combined with paid and unpaid time. All paid Parental Leave and accrued leave must be exhausted prior to using leave without pay (see Section 5-2 – Leave Without Pay). Any employee entering a leave without pay status will not accrue vacation or sick leave. If the employee wishes to take more than the twelve weeks off, he may request to use additional accrued vacation/personal leave. Certification from a medical provider will be required to document medical necessity for use of sick leave after the twelve weeks' absence. Per Section 5-13.3 (c), intermittent Family Medical Leave (FMLA) leave does not generally apply.

Length of Paid Leave – Those eligible will receive two weeks of paid Parental Leave and six weeks of paid Pregnancy Leave.

Reporting Pregnancy or Parental Leave – If you need to take Parental Leave for the birth of your child or to care for a new adopted or foster child, you should provide advance notice to your supervisor and HR. When possible, you should give at least 30 days' notice of your request for leave. If 30 days' notice is not possible because of medical necessity or for other reasons, you should give as much advance notice to the city as possible. Written notice is preferred.

5-4.2 Paid Leave Guidelines

Paid Leave – Paid Pregnancy and Parental Leave will be calculated based on the employee's regular rate of pay inclusive of shift premium and certification pay.

After the Pregnancy and Parental Leave is exhausted, the employee may be compensated through the employee's other accrued benefits.

Paid Pregnancy Leave – An eligible pregnant employee may receive up to six weeks of paid Pregnancy Leave per pregnancy. In the case of multiples, the total duration will remain at six weeks. Pregnancy Leave may be used during pregnancy in increments of 1 hour or immediately after the birth of a child/children consecutively beginning the day of the birth. After utilization of paid Pregnancy Leave due to a pregnancy-related disability or

after birth, the employee is required to submit a medical certification stating the employee is medically able to return to normal duties.

Paid Parental Leave – An eligible employee may receive up to two weeks of paid Parental Leave for the birth of a child, the adoption of a child/children or the placement of a foster child/children. In the case of multiple births, adoptions or placements at one time, the total duration will remain at two weeks of paid leave. In the case of adoption of a previously placed foster child/children, employees are eligible for paid Parental Leave at either the time of foster placement or at the time of legal adoption, but not both. Parental leave must be used consecutively beginning on the day of birth or placement.

Holidays – If a City holiday occurs while the employee is on paid Pregnancy and Parental Leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid Pregnancy and Parental Leave entitlement.

Concurrent Programs – Pregnant employees are eligible to combine paid Pregnancy and Parental Leave for a total of 8 weeks paid leave following the terms of both leave policies. Pregnancy Leave runs concurrent with 12 weeks of Parental Leave. Pregnancy and Parental Leave will run concurrent with Family Medical Leave (FMLA), if applicable.

Discrimination and Retaliation – The City prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's usage of Pregnancy or Parental Leave. Specifically, no one will be denied employment, reemployment, promotion or any other benefit of employment or be subjected to any adverse employment action based on that person's Pregnancy or Parental Leave. In addition, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

The City is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it to HR immediately. If employees do not report such conduct, the City may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Benefits – During Pregnancy and Parental Leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law. For all other benefits, an employee on Pregnancy Leave will receive the same rights and benefits as employees on a paid or unpaid leave of absence.

Modified Duty – The Department Head may place a pregnant employee on modified duty until the employee returns from giving birth, upon the request of the employee and certified by a medical professional.

Outside Employment – An employee shall be prohibited from working at off-duty employment while on paid Pregnancy Leave or paid Parental Leave.

5-5 Injury Leave

5-5.1 Eligibility – Employees who sustain a work related injury or become ill as a result of a work-related event or work-related condition may request approval for injury leave. The City’s workers’ compensation insurance adjuster will review and accept or deny injuries/illnesses claimed as “work-related”. The adjuster’s decision regarding the work-relatedness of a claim shall be the determining factor for injury leave eligibility.

5-5.2 Benefits/Indemnification

- a. Work-Related Injury/Illness – An employee who experiences a work-related injury or illness will be entitled to the benefits and services in accordance with the Kentucky Workers’ Compensation Act (KRS 342).

For authorized injury leave, the City will pay regular wages for the first seven calendar days the employee is prescribed by a physician to be free from all work related duties. Payment during these first seven calendar days is limited to the employee’s regular salary or hourly rate and only for those days the employee was scheduled to work. The City’s payment of wages during the first seven days of authorized injury leave is made with the employee’s understanding that future indemnification payment amounts made for same seven days at amounts as prescribed by KRS 342, shall be paid back to the City. Reimbursement of City paid wages for the first seven days of injury leave shall not be more than that amount the employee received from the insurer for this same time period.

Beginning the eighth calendar day of physician prescribed missed work, the City’s insurance carrier becomes responsible for injury leave payments. Payments made beginning the eighth prescribed missed day of injury leave shall be paid at a rate defined by KRS 342.

If authorized injury leave extends past 14 calendar days, the City’s insurer will pay the employee for the first seven missed days at a rate defined by KRS 342.

A doctor’s statement must be provided for an employee to be placed on approved injury leave. While the employee is on injury leave, the City will continue to pay its share of any medical, dental or disability premiums that were in effect prior to the employee being placed on approved injury leave. The employee will continue to accrue vacation and sick leave any month in which at least half of the days within the month are worked or the employee is on approved injury leave. An employee may not use accrued leave as a substitute for approved injury leave. An employee shall be prohibited from working at off-duty employment while receiving injury leave benefits from the City or City’s insurer.

- b. Non-Work-Related Injury/Illness – An employee who experiences a non-work-related injury/illness requiring time away from work, may use any accrued leave and family/medical leave. During this time, the employee will continue to accrue vacation and sick leave except as stated in Section 5-1.3 in accordance with 5-1.3 An employee who sustains a non-work related injury may be eligible for modified duty assignment as defined in Section 5-5.8.

- 5-5.3 Recurring and Multiple Work Related Injury Absences – Absence relating to a recurring or multiple injuries, whether related to a previous injury or defined as a new injury(s) may be reviewed by the Human Resources Department.

Following the review of cases involving recurring and/or multiple work related injuries, the Human Resources Department may require an employee undergo a “fit for duty” physical evaluation performed by an occupational health service provider, and/or physician review.

If the employee does not meet the specifications provided in the Functional Job Description (FJD) summary and reasonable accommodations cannot be made so that the employee is no longer exposed to the conditions that previously resulted in injury, the employee may be dismissed from employment, subject to exhausting accrued leave and family/medical leave. Any employee so dismissed is eligible for re-employment (see Section 3-2.3) if he is later determined to be able to perform the essential duties of the position in question.

- 5-5.4 Health Care for Work-Related Injury/Illness – Any employee who experiences a work-related injury may select a physician of their choice unless the City is participating in a managed care organization. If the City participates in a managed care organization for workers’ compensation, the employee must select a physician as prescribed by the managed care program. Failure to obtain medical care as prescribed within a managed care organization program may result in the employee being responsible for payment of unauthorized services.

- 5-5.5 Reporting Procedures – The department head or designee will ensure all work related injuries are immediately reported to Human Resources and all required documents are completed and disseminated as stated in the City’s Risk Management Manual.

- 5-5.6 Return to Work – The City will make every attempt to provide an injured employee with the opportunity to return to work after experiencing an injury.

- a. Work-Related – To the extent of the time period allowed for modified duty, the City will hold open an employee’s position until the employee either is released by the attending physician to return to work, returns to work, or has reached maximum medical improvement. If an employee who has reached maximum medical improvement is unable to return to work at his pre-injury position due to physical limitations or restrictions, the employee may use remaining sick, vacation and any available family/medical leave to extend employment. Remaining sick leave is defined as any additional sick days that exceed those that would have been utilized during the time the employee was covered by workers’ compensation and on authorized injury leave. After exhausting accrued sick, vacation and any available family/medical leave, the employee may be dismissed from employment.

The City may require physician certification indicating that an employee is able to resume work, and may require subsequent recertification on a reasonable basis. If an employee is on injury leave or modified duty the City may require a “return to duty” physical evaluation performed prior to the employee resuming full work duty. The return-to-duty physical evaluation shall be performed by an occupational health service provider, and/or other City-designated physician.

If an employee is on injury leave for one or more work days, the City may require a “return to duty” physical evaluation before the employee can resume full duty work. If an employee is dismissed but is later certified able to work, he would be required to reapply for the position he held prior to injury, or, if that position has been filled, for any other available position for which he is qualified, subject to Chapter III: Placement.

b. Non-Work Related – See Section 5-13.4 a., in Family/Medical Leave.

5-5.7 Penalties – If a person commits a fraudulent insurance act, he shall be subject to immediate termination and prosecution per Section 304.47-020.

5-5.8 Modified Duty Policy – In order to assist an employee during rehabilitation and or recovery from a work-related or non-work-related injury, an attempt will be made to provide a modified work duty assignment that meets the employee’s physical restrictions as stated by the physician. Modified duty assignments will vary by City department; however, each department is provided the authority and the capability to provide modified duty assignments that meet physician restrictions up to and including sedentary work.

The City will attempt to provide the employee with a modified duty assignment until the employee is returned to full duty status by his physician. The decision for assigning modified duty may be dependent upon:

- a. the nature of the employee's physical restrictions as prescribed by the physician;
- b. the availability of work that meets the physician’s prescribed restrictions and whether or not the City can reasonably accommodate said restrictions; and
- c. the expected length of time the employee will be subject to physician prescribed restrictions.

Employees on modified duty shall follow up with their physician as prescribed, obtain physician written return to work instructions and provide the instructions to their immediate supervisor. All written return to work instructions are to be sent to the Human Resources Department. Modified duty will be limited to three months. Up to three additional three month extensions may be granted by approval of the Director of Human Resources as long as certain conditions are met. Conditions for extension are: the employee’s ability to perform work functions is progressively improving and the employee is expected to return to full capacity at the completion of the extension.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City.

Any injured employee who is offered a modified duty position meeting their physician’s prescribed restrictions and refuses to work the modified duty position, may be denied workers’ compensation benefits (if work-related) and may be subject to disciplinary action up to and including termination. Vacation and sick leave will continue to be earned by the employee while on modified duty, provided the employee works the number of hours required for earning accrued leave. While on modified duty, the employee is not eligible

to work overtime or more hours than normally scheduled. An employee on modified duty may not work at off-duty employment unless approved by the department head and Human Resources Director. Employees must follow all physical restrictions set by the physician if permitted to continue off-duty employment.

An employee on modified duty may not use accrued sick leave for an absence that is due to a work-related injury. If an employee on modified duty requests absence from work due to a work-related injury for which they have been placed on modified duty, the employee will be required to return to their treating physician and obtain a written return to work statement. Work related injuries requiring an absence will only be approved if accompanied by a return to work statement indicating the need for such absence.

Injury Leave benefits as defined under Section 5-5.2 will be provided for any work-related injury in which the employee is unable to return to work in a modified duty role. In addition, an employee who experiences a non-work-related injury may request a Family/Medical Leave of Absence, if he meets criteria defined in Section 5-13.2.

5-6 Bereavement Leave

5-6.1 Eligibility – In the event of the death of an employee's relative, as defined herein, the employee may be allowed an absence with pay in order to attend and/or arrange for the funeral/service. This leave must be approved by the division/department head and is not charged against any leave accumulation. If a paid holiday falls during the period between the dates of death and the funeral/service, that day counts toward bereavement leave. Bereavement leave does not start before the date of death. An absence required beyond that allowed for paid bereavement leave must first be charged to vacation or personal leave.

The following schedule indicates how much leave will be granted dependent on the relationship to the employee.

Five (5) Working Days [Two (2) – 24 hour Fire shifts]:

- Spouse/Domestic Partner
- Parent
- Child
- Sibling

Three (3) Working Days [One (1) – 24 hour Fire Shift]

- Step-parent/child/grandchild/brother/sister
- Grandparent/grandchild
- In – laws to include brother/sister, son/daughter, mother/father

“Other Relatives” does not include the employee's spouse's relatives, except for the in-laws specifically listed. “Sister-in-law” and “brother-in-law” are further defined as the sibling of the employee's spouse, or the spouse of the employee's sibling. “Grandparents” include great grandparents and step-grandparents of the employee.

One (1) Working Day (One (1) - 24 hour fire shift)

- Aunt or Uncle
- Niece or Nephew

The inclusion of “step” relatives is limited to the relatives resulting from the most recent marriage of the employee’s parent (step-parents/siblings) or the employee (step-child). The inclusion of “in-laws” is limited to the relatives resulting from the most recent marriage of the employee, employee’s sibling, or employee’s child or grandchild.

- 5-6.2 Reporting Bereavement Leave – An employee unable to work because of the death of a relative must notify his immediate supervisor or appropriate person prior to his scheduled time to report for duty. The employee must supply the name and relationship of the deceased, and attend the funeral/service.

5-7 Other Leaves With Pay

- 5-7.1 General – Other leaves with pay may be granted by the Department Head for employees to attend professional conferences, meetings, seminars, training courses or programs, or to visit other cities in the interest of the City.

Requests for such leave must be made in writing to the Department Head stating the date of absence, purpose of travel, and the function to be attended on a travel form in advance of such travel.

- 5-7.2 Administrative Leave – The Department Head may place an employee on administrative leave with or without pay, subject to approval by the City Manager, for various reasons to include but not limited to an on-duty critical incident, pending outcome of an on-going investigation, disciplinary action, the outcome of legal proceeding, and or fitness for duty evaluation. When administrative leave is necessary, the department head shall submit a memorandum to the City Manager, specifying the reasons for leave and the requested time period. Upon approval, Personnel Actions shall be used to initiate and terminate administrative leave. Full benefits will continue, with no loss of service. The employee shall be responsible for paying his share of any premium costs, if placed on administrative leave without pay for more than half of the working days in a month. The employee should also be referred to the Employee Assistance Program service provider for counseling, if the circumstances warrant such assistance.

5-8 Civil Leave

- 5-8.1 Jury Duty – Any order received to report for jury duty must be presented, along with a leave request (containing no deduction from accumulated leave), to the appropriate department head for approval. The employee will be allowed to accept any compensation awarded for serving on a jury without deduction from his regular salary.

Employees are required to report to work when released from jury duty during normal work hours. When normal work hours do not coincide with time spent on active jury duty, it is the employee's responsibility to talk with his supervisor to determine whether he should come to work each day prior to and after reporting for jury duty. Supervisors should be consistent when requiring employees with similar duties and work hours to report before and after jury duty. Jury duty does not impact the employee’s work schedule when it falls on the employee’s day off or when the employee is not scheduled to work.

- 5-8.2 Court Appearances – Civil leave may be approved as follows:

- a. Upon receipt of an order requiring court appearance, the affected employee shall notify and receive department head authorization by submitting a leave request, which shall document the reason for leave.
- b. An employee appearing before court in an official capacity in connection with the City of Bowling Green, or as an expert witness due to professional or observed knowledge, may be granted leave with no deductions made on accrued leave time.
- c. An employee involved in a personal case, either as plaintiff or defendant, in a suit not resulting from duties performed on behalf of the City, may be granted leave, provided such leave is deducted from the employee's accrued leave (other than sick leave) or is classified as leave of absence without pay.

5-8.3 Voting – Kentucky state law allows voters to take up to four hours off from work, without pay, to vote. The employee must request time off in advance. The supervisor can specify the hours of absence allowed, as long as the employee will have sufficient time to vote between the time of opening and closing the polls. The employee can use accrued vacation/personal leave, or leave without pay.

5-8.4 General – Except when civil leave is work-related as in Section 5-8.2 b., civil leave does not count toward the forty hour FLSA work rule for overtime.

5-9 Military Leave

5-9.1 Policy – In accordance with KRS 61.394, any employee who is a member of the Kentucky National Guard or any reserve component of the armed forces of the United States shall receive full pay while in the performance of duty or training in the service of the state or nation under competent orders. While state law refers to 21 calendar days, the City will grant 21 working days of military leave per federal fiscal year for personnel working a 40-hour work week; and 168 hours (7 shift days) for Fire shift personnel. If leave is not utilized within the federal fiscal year, the leave may be rolled over to the next year. Any unused military leave shall expire two years after it has accrued. There shall be no loss of service or benefits while the employee is on approved military leave. Leave shall be earned and used on the federal fiscal year, which starts October 1.

Leave exceeding this limit may be charged to accumulated vacation, holidays (if applicable), or personal days, or the employee may elect to take leave without pay.

Employees on short term military leave (not active duty), including related leave without pay, shall continue to accrue vacation, sick and holiday leave.

5-9.2 Procedure – An employee required to report for military training shall show the appropriate orders to his supervisor. A leave request shall be completed and submitted noting the absence to be charged to military leave, leave without pay, or accrued leave in the event that the absence will exceed the allowed limit.

5-10 Vacation Leave

5-10.1 Definitions – For purposes herein, unless otherwise stated, eight hours shall constitute one "working day."

For the purpose of computing the rate of leave earnings and accumulation limits, "years of service" shall apply only to months in which full vacation leave is earned. Only previous employment in a classified position may be counted, as stated in Sections 3-2.3 e., and 8-2.2. Any month in which vacation leave is not earned, as stated in Section 5-1.3, shall not count toward years of service as defined herein. Previous employment in an exempt (non-classified) position shall not count toward "years of service."

5-10.2 Rate of Earning – Vacation leave is earned based on “working days” for each month of credited service. For most classified employees, earning rates increase at 10, 15, and 20 and 25 years of credited service. The rate of earnings is shown below for the following employee groups (equivalent hours in parentheses):

- A** - City Manager and the following senior managers: Chief Financial Officer, Chief Information Officer, City Attorney, Fire Chief, Human Resources Director, Neighborhood & Community Services Director, Parks and Recreation Director, Police Chief, Public Works Director, and Assistant City Manager
- B** - Sworn members of the Fire Department working on the 24-hours-on/48-hours-off shift basis (each shift taken as vacation leave to be charged as three "working days" off.)
- C** - Sworn members of the Police and Fire Departments and Communications Center personnel working on a 40-hour workweek
- D** - All other classified employees

GROUP	A	B	C	D
YEARS				
0 – 9	1.75 (14)	1.75 (14)	1.25 (10)	1 (8)
10 – 14	1.75 (14)	2 (16)	1.5 (12)	1.25 (10)
15 – 19	2 (16)	2.25 (18)	1.75 (14)	1.5 (12)
20 – 24	2.25 (18)	2.5 (20)	2 (16)	1.75 (14)
25 +	2.5 (20)	2.5 (20)	2.25 (18)	2.0 (16)

5-10.3 Vacation Accrual and Use – Vacation leave may be accumulated and taken as follows:

- a. Accumulated vacation time shall not exceed that amount of time which an employee may earn in two years. For example, an employee earning vacation at the rate of one "working day" per month (eight hours), earns 12 days per year (96 hours). In no case, therefore, is that employee allowed to accumulate vacation time in excess of 24 days (192 hours).
- b. If an employee's accumulated vacation days reach the maximum allowable, as stated above, additional days earned shall automatically be transferred to his accumulated sick leave record.

- c. Holidays recognized by the City occurring during a vacation period shall not be counted against vacation time.
- d. Paid vacation time must be earned before it is taken.
- e. Vacation time shall not accrue during authorized absences without compensation except during a leave granted for an on-the-job injury compensable under the Worker's Compensation Act.
- f. Absences from work not caused by illness or injury shall be deducted from any accrued vacation time the employee may have accumulated with the following exceptions:
 - (1) Absences due to death in an employee's immediate family will be allowed without deduction from the employee's salary or accrued vacation (see Section 5-6 – Bereavement Leave).
 - (2) Necessary absences for jury duty will be allowed without a deduction from the employee's salary or accrued vacation time (see Section 5-8 – Civil Leave).
 - (3) An employee may be required to use vacation for absences from work due to illness or injury in some cases (see Sections 5-3 – Sick Leave and 5-5 – Injury Leave).
- g. Division/Department Heads must give prior approval of their employees' use of vacation time. Any employee who is absent from work without his Division/Department Head's prior notice and approval will not receive compensation.

5-10.4 Cash In Policy – An employee may choose to cash-in unused vacation time which will be paid out on the first paycheck of December each year. The value of the time will be paid out at 50% of the employee's regular wage. The maximum number of hours that can be cashed in is equivalent to the number of hours used as time away from work during the calendar year at the time of the cash out.

Example: An employee who takes 40 hours of vacation prior to the first paycheck in December may cash-in up to 40 hours.

Any hours not used or cashed in will be left in the employee's accrued leave bank for future use.

5-10.5 Termination Payment – Upon resignation, retirement, termination, or interruption of employment, vacation time may be paid under proper conditions, as stated in Section 8-1 – Termination of Employment.

5-11 Holidays

5-11.1 Days Observed – The following ~~ten~~ days are hereby declared ~~legal~~ holidays for all employees with the exception of personnel employed on continuous operations;

observance of such days when falling on Saturday or Sunday shall be on the preceding Friday or the following Monday, respectively.

New Year's Day.....	January 1
Martin Luther King, Jr.'s Birthday.....	3 rd Monday in January
President's Day.....	3 rd Monday in February
Good Friday.....	March/April
Memorial Day.....	Last Monday in May
Independence Day.....	July 4
Labor Day.....	1 st Monday in September
Thanksgiving Day.....	4 th Thursday in November
Friday after Thanksgiving.....	4 th Friday in November
Christmas Eve.....	December 24
Christmas Day.....	December 25

When Christmas falls on: The following days will be observed as holidays:

Monday	December 25 and 26 (Monday and Tuesday)
Saturday	December 23 and 24 (Thursday and Friday)
Sunday	December 23 & 26 (Friday and Monday)

5-11.2 Holidays with Pay

- a. Except as listed below, employees shall receive full pay for the holidays listed above, provided however, the employee works the remainder of the scheduled work week, is on approved paid leave, or approved leave in accordance with FMLA. Employees on leave without pay, and employees being paid by donated leave, are not eligible for holiday pay.
- b. Rather than observing the days listed in Section 5-11.1, sworn members of the Police and Fire Departments and Communications Center personnel, and other civilians in the Police Department shall receive days in addition to their annual vacation, which may be used as holidays with pay. These days are accrued on a quarterly basis, are to be used on a calendar-year basis, and may only be taken after approval of the division/department head.

These employees must work or be on approved paid leave for at least half of the working days of the quarter in order to earn the holiday(s). In order for the department to minimize the impact of scheduled absences, the employee may "borrow" and use up to the number of holidays that he would earn through the calendar year, as long as he maintains a sufficient balance of vacation leave equal to the number of holidays borrowed. The days will be credited and available for use as of January 1 each year.

Holidays are earned as follows:

- (1) Sworn members of the Police Department, Communications Center personnel, and sworn members of the Fire Department who work a 40-hour

work week shall receive eight days (64 hours), with the employee accruing two holidays each quarter.

- (2) Fire Department personnel working on the 24-hours-on/48-hours-off shift basis shall receive eight days (192 hours), with the employee accruing two holidays each quarter.

If a firefighter recruit works at least half of the quarter, he will earn and use holidays per the above schedule at the rate of eight hours per day while working a forty-hour work schedule. If he works on-shift at least half of the quarter, he will earn holiday leave at the 24-hour rate as provided above.

5-11.3 Working on Holidays – Excluding members of the Police and Fire Departments whose schedules require them to work on holidays, classified employees eligible to receive pay for overtime work and required to work during the holidays listed shall be paid (or may earn compensatory leave) at a rate of one and one-half times their regular rate for all hours worked on a holiday, in addition to regular holiday pay, regardless of the number of hours worked that week. To earn the rate of one and one-half times their regular rate, the employee must work on the actual holiday, not the observed holiday. If the employee chooses to flex during the work week the time earned while working the holiday, the flex time shall be earned at one and one-half times. This section does not apply to public safety employees who are credited with their holidays by the quarter. See Section 5-1.11 regarding Call to Work While on Leave.

5-12 Personal Leave

5-12.1 General – The City understands that during normal working hours is usually the same time when personal, family, and wellness business needs to be conducted. In lieu of taking long lunches or making up hours, the City will grant all Classified employees Personal Leave to be used each calendar year. Examples of reasons to use this leave include:

- Meeting with a financial planner, realtor or tax professional
- Completing college applications
- Attending to maintenance issues at home
- Parent-Teacher Conferences
- Taking kids or elderly parents to the dentist or doctor
- Volunteering
- Taking a pet to the veterinarian
- Extension of other leave policies such as vacation or bereavement

5-12.2 Personal Leave Earnings

Employees may accrue a total of six (6) personal days in 8-hour increments. The time in employment must be earned by December 31. Hours are added to balances on January 15 of each year according to the following schedule:

Less than 6 months of employment	2 days
At least 6 months of employment but less than 2 years	3 days
2 years of employment	4 days
4 years of employment	5 days
5 years of employment +	6 days

For Fire Department personnel working on the 24-hours-on/48-hours-off shift:

Less than 6 months of employment	1 day
At least 6 months of employment but less than 5 years	3 days
5 years of employment +	4 days

5-12.3 Personal Leave Usage and Limitations –

- a. Employees may take Personal Leave in quarter hour increments per the time clock (for Fire refer to Fire Policy Manual).
- b. Personal days may not be accumulated; they must be used in the calendar year for which they are granted.
- c. Employees must obtain approval of the supervisor/division/department head to use personal days. An employee who is absent from work without prior notice and approval will not receive compensation.

5-12.4 Shift Personnel Leave Cash In – Shift personnel may apply to cash in personal days, the employee appreciation day and/or holidays that are earned in January. Police shift personnel and members of the Criminal Investigations Division may cash in up to 32 hours and Fire shift personnel may cash in up to 96 hours in January. Remaining personal, and/or holiday leave may be cashed in at the end of the calendar year. Hours cashed in are at regular rate of pay. Retirement contributions are not withheld.

5-13 Family/Medical Leave

5-13.1 General – The Family and Medical Leave (FMLA) Act of 1993 provides up to twelve weeks of unpaid leave per year for an eligible employee's serious health condition, the birth or adoption of a child, and/or caring for a sick spouse, child, or parent. The FMLA Act of 1993 was amended in 2008 by the National Defense Authorization Act for FY 2008 to provide an extension of up to twenty-six weeks of unpaid leave per year for military caregivers and a total of twelve weeks for qualifying exigency leave. The period may include the employee's use of accrued paid leave.

An employee may request family/medical leave, or the City may place an eligible employee on family/medical leave, regardless of whether paid leave is used concurrently.

5-13.2 Definitions

- a. "Eligible employee" – To be eligible for family/medical leave, an employee must have worked for the City at least twelve months prior to the leave request (not necessarily consecutive), and have worked at least 1,250 hours for the City during that time. For a covered active duty military member, periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

- b. "Child, Spouse, Parent" – For the purposes of family/medical leave:
- (1) "child" is defined as a biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in the place of a parent, under age eighteen, or at least eighteen years old and incapable of self-care because of a mental or physical disability.
 - (2) "parent" is the biological parent of an employee, or an individual who treated the employee as a child when the employee was under eighteen. Parents-in-law are excluded.
 - (3) "spouse" is a husband or wife, and does not include an unmarried domestic partner.
- c. "Serious health condition" – A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. Minor illnesses and medical procedures normally handled through sick leave may be excluded, however, included are complications relating to pregnancy, severe morning sickness, miscarriage, recovery from childbirth, and the need for prenatal care.
- d. "Military caregiver" is a family member (spouse, child, parent, or next of kin) who cares for a covered service member with a serious illness or injury incurred in the line of duty on active duty. The absence can relate to medical treatment, recuperation, or therapy for a serious illness or injury.
- e. "Exigency leave" is defined as leave necessary for a family member of a covered military member of the Regular Armed Forces, National Guard or Reserves who is on active duty or called to active duty status in support of a contingency operation, and is the spouse, parent, or child of the employee. "Active duty" requires deployment to a foreign country. The definition of "covered military member" includes a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. Qualifying exigency includes:
- (1) short-notice deployment;
 - (2) military events and related activities;
 - (3) childcare and school activities, and parental care;
 - (4) financial and legal arrangements;
 - (5) counseling;
 - (6) rest and recuperation (limited to a maximum of fifteen calendar days);
 - (7) post-deployment activities; and

- (8) additional activities not encompassed in the other categories, but agreed to by the employer and the employee.

5-13.3 Leave Requirement

- a. Entitlement: Eligible employees are entitled to a total of twelve to twenty-six workweeks of leave during any twelve-month period when leave is taken for one or more of the following circumstances:
 - (1) the birth of a child of the employee and to care for the child, during the first twelve months from birth;
 - (2) the placement of a child with the employee for adoption or foster care, during the first twelve months of placement;
 - (3) to care for the spouse, child, or parent, if the family member has a serious health condition;
 - (4) the employee is unable to perform the functions of the position because of his own serious health condition. This may include situations where the employee may periodically be unable to work in order to receive medical treatments;
 - (5) to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty, or for a covered active duty member's parent who is incapable of self-care;
 - (6) to manage affairs while a family member (spouse, parent, or child) of the National Guard and Reserves is on active duty or called to active duty status in support of contingency operations.
- b. Both Spouses Employed by City: If both spouses are employed by the City, their total leave in any twelve-month period may be limited to twelve weeks if the leave is taken for the birth or adoption of a child. Both are entitled to a full twelve weeks for their own illness or caring for a sick child, spouse, parent, or to manage affairs while a family member (spouse, parent, or child) of the National Guard and Reserves is on active duty or called to active duty status in support of contingency operations.

Both spouses are entitled to a total of twenty-six weeks of leave to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty whereby the employee is the parent, child, spouse or next of kin of the service member.

- c. Intermittent or Reduced Schedule Leave: Unless agreed to by both the employee and department head, leave taken for the birth or placement of a child cannot be taken intermittently or on a reduced leave schedule. Intermittent or reduced leave schedule can be taken in cases of a serious health condition, either an employee's own or that of a family member, when medically necessary. Employees seeking intermittent or reduced schedule leave based on planned medical treatment may be required to produce medical certification outlining the dates on which treatment is expected and the duration of treatment. A reasonable effort must be made, subject to the health

care provider's approval, to schedule treatment so as not to unduly disrupt the work schedule. The employee should give the department head at least thirty calendar days' notice, or as much notice as is practicable, of his intentions.

The employee may be required to transfer temporarily to a comparable position, with equal pay and benefits that better accommodates recurring periods of leave.

By taking leave intermittently or on a reduced leave schedule, the employee does not reduce total leave entitlement beyond the amount of leave actually taken.

- d. Use of Paid Leave: The City require an employee to substitute any accrued sick, personal, and vacation leave for any part of the twelve/twenty-six weeks of leave granted under the Act before taking unpaid leave. Sick leave may be used only for circumstances allowed in Section 5-3.3.

For intermittent or reduced schedule absences, leave may be taken in one-hour increments.

If the employee is absent on family/medical leave for less than twelve/twenty-six weeks, and then he has further need for use of family/medical leave during the twelve months following initiation of leave, he may be allowed to take family/medical leave for a total of up to twelve/twenty-six weeks during that twelve-month period.

- e. Leave Request: In order to request family/medical leave, the employee shall submit a form or letter detailing the need for such leave; anticipated dates of absence from work and return to work; a statement that the information provided is true; whether he wishes to utilize accrued paid leave for any or all of the absence; and that the employee agrees to notify the department head if any of the circumstances change. The request shall be submitted to the department head and the Human Resources Director for review/approval/denial of leave.
- f. Notice Requirement: Eligible employees should give the department head at least thirty days' notice of their intent to take leave for foreseeable events, such as the expected birth or placement of a child, or planned medical treatments. When circumstances require a leave to begin in less than thirty days, the employee should give as much notice as is practicable.

Employees who request leave for planned medical treatment are obligated to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as not to unduly disrupt the work schedule.

- g. Certification Supporting Leave Requests: Certification issued by a health care provider may be required to support an employee's request for leave due to a serious health condition. When required, an employee must provide a copy of the certification in a timely manner, including a statement of: the date the condition began; its probable duration; appropriate medical facts; and an assertion that the employee is unable to perform the employee's job function, or that the employee is needed to care for a sick family member for a specified time.

When intermittent leave or leave on a reduced schedule is requested, there are additional certification requirements, depending on the reason for which leave is requested:

- (1) For planned medical treatment: the dates on which treatment is expected and the duration of treatment.
- (2) For the employee's own serious health condition: a statement of the medical necessity for such leave and its expected duration.
- (3) For care of a sick family member: a statement that such leave is necessary for the care of the family member who has a serious health condition, or will assist in that member's recovery, and the expected duration and schedule of the leave.
- (4) For leave taken as a military caregiver: a statement of the expected duration and schedule of the leave.
- (5) For exigency leave: a copy of the military orders placing the family member on military duty.

The City may require an employee on leave to report periodically on his status and intention to return to work. The City may also require a fitness-for-duty certification from the employee's own health care provider that an employee is able to resume work and perform the essential functions of the position, and may require subsequent recertification on a reasonable basis.

The City may require the employee to obtain the opinion of a second health care provider designated or approved by the City, at City expense. In the event of a conflict between the first and second opinions, the City may, at its expense, obtain a third opinion from a health care provider approved jointly by the Human Resources Director and the employee. The third opinion shall be final and binding.

5-13.4 Employment and Benefits Protection

- a. Restoration: Eligible employees returning from family/medical leave have the right to be returned to the job position that they held when they went on leave, or they may be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

If there are layoffs or reductions in force while an employee is on leave, and he would have lost his job had he remained, he loses his right of reinstatement.

- b. Benefits: Eligible employees retain all accrued benefits while on leave. However, restored employees are not entitled to accrue seniority or employment benefits during any period of unpaid leave, nor are they entitled to any right, benefit, or position of employment other than any to which they would have been entitled had they not taken family/medical leave. Employees shall continue to accrue vacation, sick, holiday, and personal leave while using paid leave,

however such accrual shall not continue when the employee is on leave without pay (see Section 5-1.3).

- c. Health Benefits: The City shall maintain coverage under any group health plan, such as medical and dental plans, for the duration of an eligible employee's leave. Coverage shall remain at the level and under the conditions for which coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. Employees who contribute to medical, dental, life or supplemental coverages must make arrangements to pay their share of the premiums during unpaid leave status.

Regardless of whether the employee continues and pays for coverage while absent from work, upon return to work coverage will be reinstated with no loss of benefits, no new eligibility requirements, no limitations on pre-existing conditions if previously satisfied, and no new deductibles to satisfy unless due to the beginning of a new plan year. Upon reinstatement, the employee may be automatically reinstated with the same benefit elections he had prior to going on leave.

5-13.5 Failure to Return from Leave

- a. Recovery of Premium: The City may recover premiums that it paid for maintaining an employee's health plan coverage during any period of unpaid leave if:
 - (1) the employee fails to return from leave after entitlement has expired; and
 - (2) the employee fails to return to work for a reason other than:
 - (a) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave, or
 - (b) other circumstances beyond the employee's control.

A failure to repay the City for continuing health coverage shall be entered into the employee's permanent personnel record, which could affect his re-employment rights as well as future references requested by other employers. The City also reserves its right to pursue all other legal remedies in order to recover the premiums paid on the employee's behalf by the City.

When it becomes known that an employee is not returning to employment, leave entitlement shall expire, and the employee shall be eligible to apply for continued health benefits through the COBRA law. Any delinquent health benefit premiums for coverage received prior to eligibility for COBRA coverage must be paid by the end of the month in which COBRA benefits are requested in writing by the former employee.

- b. Certification of Inability to Return: Employees may be required to support their claim of inability to return to work because of the continuation, recurrence, or onset of the serious health condition, by providing, in a timely manner,

certification from the appropriate health care provider. Certification should include a statement that a serious health condition prevented the employee from being able to perform the functions of his position on the date that his leave expired or that he is needed to care for a family member who has a serious health condition on the date that the employee's leave expired.

- c. If an employee exhausts all family/medical leave and accrued leave, he may be placed on leave without pay status for thirty calendar days. As stated in Section 5-2.5, if the employee does not return to work he may be terminated. The City Manager shall have the authority to make exceptions to this rule.

CHAPTER VI

EMPLOYEE RELATIONS

6-1 Employee Committees

6-1.1 Purpose – Standing employee committees are established in each major department, or by grouping of smaller departments, to address administrative issues that may be limited to that department, to obtain increased employee input into City operations, to improve communications between employees and the City Manager, to plan employee appreciation events, and to care for employees in their department during times of celebration and times of need.

6-1.2 Composition, Operation, and Structure – There will be five employee committees, one each from City Hall/Annex/NCS, Fire, Parks & Recreation, Police, and Public Works.

The department head(s) of each department will determine and define the structure, composition and operation of the employee committee in their department. This may include, but may not be limited to; the selection process, term limits, purpose, length of employment to serve, and department head involvement.

The committees will meet annually with the City Manager to discuss topics of interest or concern. Other meetings may be held at the request of either the committee or City Manager.

6-2 Political Activity

6-2.1 General

- a. A City employee may participate in political affairs at any level of government, provided such participation is limited to off-duty hours; that during such participation said employee shall not represent himself as an employee of the City; and such participation does not adversely affect performance as a City employee. A City employee shall not wear political badges, buttons or similar items while on official duty. City employees shall not use City resources to conduct political activities except for City facilities available to the general public and with the City employee being subject to the same conditions as the general public.
- b. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute, or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any office, nor shall funds or support be levied from City employees as a condition of any aspect of their City employment.
- c. Failure to comply with these provision is ground for disciplinary action.

- 6-2.2 Employees as Candidates for Elective Office: City employees may seek elective office provided there is a clear separation between the employee’s campaign and his duties as a City employee. Prior to the employee’s announcement to run for an elective office, the employee shall discuss that intent with his department head to determine any conflicts with his job duties and the need to take leave during the campaign. All leave must be approved in advance. The employee shall not bring campaign materials to work, use any City supplies or equipment for the campaign or conduct any campaign activities while at work or on duty.
- 6-2.3 Campaign Solicitation of City Employees: No person on behalf of a candidate for public office or on behalf of a measure on the ballot shall solicit votes, funds or support from City employees while the employee is on duty.
- 6-2.4 City Code – The Political Activities Section of the Code of Ethics states that no appointment to or employment in any City position shall be dependent on political activity, and no employee shall be required to engage in any political activity as a condition of employment.

6-3 Code of Ethics

- 6-3.1 Code of Ethics – The Code of Ethics is located in Chapter 25 of the City Code of Ordinances. It contains several policies that apply to employees including: standards of conduct; conflicts of interest in contracts; off-duty employment; representing private interests after employment ceases; gifts; use of City equipment, political activity; nepotism; financial disclosures; and penalties.

6-4 Off-Duty Employment

- 6-4.1 Approval and Limitations – An employee of the City may be self-employed or may take occasional or part-time jobs if, in the opinion of his department head, there is no conflict with working hours, the employee’s efficiency in his City work, or other interests of the City. Employees are prohibited from using City equipment or property while working off-duty. Employees that are self-employed are required to follow all applicable federal, state, and local laws which include registering as a business within the jurisdiction(s) where they conduct business.

Employees wishing to take off-duty employment shall obtain the written approval of their department head. A copy of the “Outside Employment Approval Form” shall be forwarded to Human Resources for placement in the employee’s personnel file.

An employee shall be prohibited from working at off-duty employment while on approved sick, or injury, paid parental or pregnancy, or FMLA leave from the City. When the leave is due to a family member’s medical needs, the employee is prohibited from working at off-duty employment on days the employee would have otherwise been scheduled to work. An employee on modified duty may not work at off-duty employment unless approved by the department head and Human Resources Director. Also see Section 5-3.3 f.

- 6-4.2 Conflict of Interest – City employees are restricted from creating, being employed by, or contracting with any agency or business firm other than the City, if such

employment or contractual obligation is, or can reasonably be anticipated to be, in conflict with interests of the City.

Senior Managers are required to notify the City Manager prior to creating, contracting with, or being employed by, any agency or business firm other than the City. The City Manager will provide written approval or disapproval.

Other employees are required to notify their respective department head prior to creating, contracting with, or being employed by, any agency or business firm other than the City. Chapter 25 of the City Code of Ordinances contains additional restrictions.

6-5 Safety Program

6-5.1 General – A safe work environment is a necessity for the City, its employees, and the public. As a result, the City has the Risk Management Manual. Employees should become familiar with these policies and procedures in addition to those developed by their particular department. The City's commitment to safety is provided in the Policy Statement contained in the Risk Management Manual.

6-5.2 Safety Committee – Committees of employees from those departments which perform types of work likely to expose employees to injuries meet as necessary to review injury reports, and to discuss, recommend, and take action on safety problems or issues which may affect all departments.

6-6 Employee Harassment

6-6.1 Policy –The City does not tolerate employee harassment or intimidation of any kind. This includes harassment because of race, color, religion, age, sex, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, national origin, disability, veteran or family status, an individual's status as a smoker or nonsmoker, or any other factor protected by law which would make a reasonable person experiencing such harassment uncomfortable in the work environment or which could interfere with the person's job performance.

Definitions of Harassment

- a. Harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee or any person working for or on behalf of the City that is offensive or unwelcome, regarding an employee's race, color, religion, age, sex, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, national origin, disability, veteran or family status or an individual's status as a smoker or nonsmoker.
- b. Sexual harassment is unwelcome explicit or implicit sexual advances, requests for sexual favors, and other verbal or physical conduct when:
 - (1) it is made a condition of employment;
 - (2) it affects the worker's employment status; or

(3) it interferes with the work environment through the creation of intimidating, hostile, or offensive working conditions.

- c. Harassment may occur even if an employee is perceived to consent to the conduct at the time of issue, as harassment may evolve over time with small isolated incidents being tolerated up to a point of intolerance. A victim of harassment may also not speak up at the time of issue due to not wanting to insult, anger or offend the aggressor or due to fear of adverse action or impact against them in the workplace.
- d. Intent is not required in order for harassment to occur. Harassment is defined by the victim or the observer on how they felt about the conduct.
- e. Harassment may come from any person (s) that an employee may come in contact with over the course of their employment from the City including, but not limited to, other employees, supervisors, elected officials, contractors, vendors, residents, job applicants, etc.

6-6.3 Violations – The following conduct violates this policy:

- a. Any acts of harassment as defined above.
- b. intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, and brushing against another person's body.
- c. Unwanted sexual advances, propositions or other sexual comments such as:
 - (1) sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his presence is unwelcome;
 - (2) preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
 - (3) Subjecting, or threatening to subject, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that person's sex.
- d. Sexual or other discriminatory display or publication anywhere in the workplace, such as: displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, demeaning, or pornographic, or intended to threaten, intimidate, or coerce an employee or any person working for or on behalf of the City that is offensive or unwelcome, regarding an employee's race, color, religion, gender, age, national origin, disability, pregnancy, childbirth, pregnancy related medical conditions, veteran status, genetic information or tobacco-smoking status;; or bringing into the work environment or possessing any such material to read, display, or view at work.

- e. This policy also prohibits retaliation against employees who, in good faith, make a complaint or participate in the complaint process. Violations of this non-retaliation policy will result in disciplinary action up to and including termination of employment.
 - (1) disciplining, changing work assignments, providing inaccurate information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation.
 - (2) falsely denying or lying about conduct as described above.

6-6.4 Complaint Procedures - Any individual who believes that he or she may have experienced, observed, or have knowledge of harassment, intimidation, or retaliation in the workplace, must report this information as soon as possible to one or more of the following:

1. Human Resources Director
2. Department Head
3. Direct Supervisor

Reports or complaints of harassment received by Supervisors or Department Heads must in turn be immediately reported to the Human Resources Director to review and investigate.

Reports or complaints of harassment must be made as soon as possible after the alleged conduct occurs. Prompt reporting will enable the City to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action.

An employee may utilize the grievance procedure in resolving his complaint. The rights of all parties shall be protected and due process shall be observed in dealing with complaints of harassment, intimidation, or retaliation. However, since the City must by law take such complaints seriously and thoroughly investigate them, complete confidentiality cannot be promised.

The means of communication to report a violation to the individuals listed above is through direct email, direct phone conversations or in-person meetings.

6-6.5 Management and Supervisor Responsibility

It is the responsibility of every member of management and all supervisory personnel to be knowledgeable of the City's policy concerning harassment, to take reasonable and necessary actions to prevent harassment, to promptly report conduct that could be in violation of this policy to the Director of Human Resources, and to participate in education and training events provided by the City related to this policy.

6-6.6 Employee Responsibility

It is the responsibility of all employees to comply with this policy in all respects and at all times. All employees are responsible for conducting themselves in a manner that ensures that

others are able to work in an atmosphere free from harassment. All employees are required to immediately report any act or event that is believed to be in violation of this policy. In addition, employees are expected to cooperate with investigations whether they are the complainant, the alleged offender, supervisor or witness in compliance with Section 7-1.3.

6-6.7 Penalties for Misconduct - The following types of actions may result in disciplinary action:

- a. Any employee's first offense of sexual assault or threat of assault may result in termination of employment.
- b. Progressive discipline up to and including termination of employment may be used for acts of harassment, intimidation, and retaliation, depending on whether the offense is alleged or proven, and its severity and frequency (see Section 7-1.2 n).
- c. Refusal by a supervisor to act in legitimate cases of harassment, intimidation, or retaliation may be a cause for disciplinary action up to and including termination of employment.
- d. Intentionally making a false complaint or accusation of any person(s) of harassment, intimidation or retaliation by use of this policy will be investigated and may be subject to disciplinary action up to and including termination of employment.

6-7 Workplace Bullying

6-7.1 Definition – The City of Bowling Green defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise conducted by one or more persons against another or others, at the place of work and/or in the course of employment.”

Bullying may be intentional or unintentional. As in harassment, it is the effect of the behavior upon the individual which is important, and the intent of the alleged bully is irrelevant and will not be given consideration when determining discipline. The City considers the following types of behavior as examples of bullying:

- a. Verbal bullying: slandering, ridiculing, or maligning a person or his family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- b. Physical bullying: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- c. Gesture bullying: non-verbal threatening gestures, glances which can convey threatening messages.

- d. Hazing: repetitive or ritualized harassment, abuse, or humiliation used as a way of initiating a person into a group.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- persistent singling out of one person;
- shouting, raising voice at an individual in a public and/or in private;
- using verbal or obscene gestures;
- personal insults and use of offensive nicknames;
- public humiliation in any form;
- public reprimands;
- repeatedly accusing someone of errors which cannot be documented;
- spreading rumors and gossip regarding individuals;
- manipulating the ability of someone to do their work (i.e.: overloading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions);
- refusing reasonable requests for leave in the absence of work related reasons not to grant leave;
- deliberately excluding an individual or isolating them from work related activities;
- pranks as defined as practical jokes or mischievous tricks.

6-7.2 Penalty – The City will not tolerate any form of bullying behavior. Employees found to be in violation of this policy will be disciplined, up to and including termination.

6-7.3 Complaint Process - The same procedures will be used for bullying as for harassment. Employees and supervisors should refer to section 6-6.4.

6-8 Grievance Procedure

6-8.1 Purpose – It is the desire of the City to resolve grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances that will be resolved only after a formal appeal and review. Accordingly, a grievance procedure is provided to afford an immediate and fair method for the resolution of disputes that may arise between management and the employee.

6-8.2 Coverage – All classified, non-probationary employees are included. Where the provisions of KRS 15.520 or 95.450 are applicable to the complaint or grieved action, sworn personnel shall resolve their grievance through the appropriate statute rather than the grievance procedure.

6-8.3 Definition of Grievance – A grievance is a complaint or dispute relative to an employee's employment including, but not limited to:

- a. disciplinary actions, including dismissals, demotions, and suspensions;
- b. the proper application or interpretation of personnel policies, procedures, rules and regulations; and
- c. alleged reprisal for using the grievance procedure; or for participation in the grievance of another employee.

6-8.4 Exceptions – This grievance procedure shall not apply when the following procedures are used:

- a. Appeals based on alleged discrimination on the basis of race, religion, color, national origin, sex, age, disability, or other protected classifications shall be handled by the procedures outlined in the City's Affirmative Action Plan.
- b. Salaries and salary calculations/miscalculations unless such assigned salaries result in the violation of related federal or state laws/regulations.

6-8.5 Procedure – Within thirty calendar days after the occurrence or condition giving rise to the grievance, the affected employee shall first submit the grievance in writing to the department head and shall specify the remedy he expects to obtain through use of this procedure. The department head shall make a separate investigation and reply in writing setting forth the reasons for rendering such decision.

If the employee is dissatisfied with the decision of the department head, he may submit the grievance in writing to the Director of Human Resources. The Director of Human Resources shall make such investigation and conduct such hearings as deemed necessary and shall, inform the employee in writing of the findings and decision. If new additional information or new issues are introduced by the grievant when submitting the grievance to the Director of Human Resources, the grievance may be returned back to the department head for reconsideration. The department head shall review this information and reply to the employee. If still dissatisfied with the department head's response, the employee may resubmit the grievance to Director of Human Resources as outlined above.

If the employee is dissatisfied with the decision of the Director of Human Resources, the employee may submit the grievance in writing to the City Manager. The City Manager will review the investigation and the written employee's grievance. The City Manager may require additional investigation before making a final decision. The determination of the City Manager will be final.

6-8.6 General – In order to accomplish a fair and reasonable procedure, the following general provisions shall apply:

- a. The Department Head, Director of Human Resources and/or the City Manager must reach a decision within the framework of the policies existing at the time of the grievance.
- b. In the case of discharged employees, the City Manager takes the position that public employees may be discharged for the same reasons that would be considered good cause in a fair-minded, well-run business organization. Examples of "good cause" would be: improper habits; improper attitudes; insubordination; absence from duty without adequate cause; inability to do satisfactory work; and conduct unbecoming a City employee.
- c. The burden of proof rests on the appealing employee to show that the action complained of by him constitutes unfair treatment. In appeals, the question under

consideration is whether the appealing employee's conduct deserved the action taken against him, not whether or not his supervisor is a good executive.

- d. The response time between each step will be completed as efficiently as the investigation allows. The deciding person, whether Department Head, Director of Human Resources, or City Manager, will give priority to the investigation in order to respond to the appealing employee in a timely manner.
- e. Upon receipt of a written grievance, the date and time received and the name of the receiver should be noted on the grievance.

6-9 Drug And Alcohol-Free Workplace

6-9.1 Purpose – The Board of Commissioners has adopted a Drug and Alcohol-Free Workplace Policy in order to protect employees and public health and safety. The City makes every reasonable effort to maintain a work environment free from the use, possession, and effect of drugs and alcohol. The City expects all employees to be in a mental and physical condition fit to complete their assigned duties safely and competently.

6-9.2 Policy – The complete Drug and Alcohol-Free Workplace Policy is provided in the City's Risk Management Manual, which is considered a part of this policy manual. The Drug and Alcohol-Free Workplace Policy covers: applicability; requirements; drug and alcohol testing, prohibited activities; medical use; use of alcohol at social functions; searches; consequences of engaging in prohibited conduct; refusal to submit to test; off duty use and call back; records retention, release and confidentiality; reporting of arrest; employee assistance program; and financial assistance.

6-9.3 Training – Employees are assigned training on this program upon employment and when refresher training is required.

6-10 Carrying Deadly Weapons

6-10.1 State Law - Kentucky state law generally prohibits local government regulation of the open and concealed carry of firearms and certain deadly weapons. Individuals authorized to carry a concealed deadly weapon cannot carry the weapon into certain City buildings such as the police station and meetings of the city's governing body (Board of Commissioners' meetings).

6-10.2 Rules - Subject to applicable law, the City does not prohibit employees from carrying firearms and certain deadly weapons into most City buildings or vehicles. However, the City is also required to provide a safe workplace and it does not endorse, support, or encourage the open or concealed carry of firearms and deadly weapons in the workplace. Employees must understand that if they bring firearms or a deadly weapon onto City property, they may face personal liability for any incident that may occur as a result of possessing or using that weapon. Employees should also understand the following:

- a. To the extent authorized by law employees may possess firearms and certain deadly weapons on City property and in City vehicles.

- b. While on City property or in a City vehicle, weapons shall be in the possession of the employee at all times and secured under the employee's direct control. Employees are not allowed to leave such weapons unattended in City buildings such as a desk drawer and the weapon shall not be available for any other person to touch or handle. The City shall have no responsibility for lost or stolen weapons.
- c. Personal weapons shall not be cleaned, examined, shown off, handled, brandished, traded, or sold while on City property or in a City vehicle.
- d. City employees in possession of a weapon who enter private or other public property while acting within the course and scope of work for the City shall abide by the rules of the owner of the private property and laws and regulations regarding public properties (excluding police officers).
- e. City employees shall also comply with all other applicable laws and regulations regarding the possession and use of weapons, including, but not limited to, City policies regarding bullying, harassment and safe workplace regulations.
- f. City employees are required to immediately report to their supervisor any legal action that limits or prohibits their possession of weapons along with a copy of the legal order.

6-10.3 Consequence of Policy Violations – Any employee violating this policy shall be subject to immediate disciplinary action, up to and including termination.

6-11 Workplace Violence

6-11.1 Policy – The City of Bowling Green maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the City. It is the intent of the City to provide a workplace that is free from intimidation, threats, or violent acts.

6-11.2 Definitions

- a. "Workplace violence" includes, but is not limited to, harassment, threats, physical attack, or property damage.
- b. A "threat" is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional, or future.
- c. "Physical attack" is unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects.
- d. "Property damage" is intentional damage to property, which includes property owned by the City, employees, or others.

6-11.3 Prevention of Workplace Violence – The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts

include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents or threats of violence without fear of reprisal.

6-11.4 Reporting Threats – Internal and External – Each incident of violent behavior, whether another employee or an external individual such as a customer, vendor or citizen commits the incident, should be reported to the division/department head, who will assess and investigate the incident and determine the appropriate action to be taken. Except for the violent situations encountered by sworn police officers while performing their duty, the department head will inform the Human Resources Department of all reported incidents of workplace violence.

In critical incidents in which serious threat or injury occurs, emergency responders should be immediately notified. As necessitated by the seriousness of the incident, the Human Resources Department may assemble a Threat Management Team that may consist of staff from the Human Resources Department, Legal Department, Police Department, City Manager's Office, Senior Management, and others as deemed necessary. The Threat Management Team is responsible for establishing the protocol in the event of a threat of violent incident that may include, but is not limited to:

- a. evaluating potential violence problems;
- b. assessing an employee's fitness for duty (through mental health professional);
- c. selecting intervention techniques;
- d. establishing a plan for the protection of co-workers and other potential targets;
- e. coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel;
- f. referring victims to appropriate assistance and community service programs; and
- g. assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals.

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. Any action of this type resulting from a report of violence must be reported to the department head for investigation and decision regarding proper action.

All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

6-11.5 Prohibited Actions and Sanctions – It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined to be in violation will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

6-11.6 Employee Assistance Program – Should an employee become the victim of an incident of workplace violence, the supervisor may offer the services of the EAP to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did, in fact, commit the violent act he may be referred to the EAP. In these cases, failure by the employee to keep any appointments with the EAP may result in disciplinary action.

6-11.7 EPO/DVO – An employee is required to notify either his department head or the Human Resources Director if an Emergency Protection Order (EPO) or Domestic Violence Order (DVO) has been placed against him, his spouse, or a family member living in or adjacent to Warren County.

6-12 Health Insurance Portability and Accountability Act (HIPAA)

6-12.1 General – HIPAA was passed in 1996 as part of a broad congressional attempt at healthcare reform. HIPAA privacy requirements regulate the use or disclosure of Protected Health Information (PHI).

The City maintains personnel as well as medical files on each employee. All employees' medical files shall be kept in a separate office and filing cabinet from personnel files. These medical files and records will be maintained as confidential.

6-12.2 Definitions

- a. HIPAA: Health Insurance and Accountability Act of 1996.
- b. PHI: Protected Health Information includes health and demographic information about an individual where the information is created or received by a health care provider, health plan, employer, or health care clearing house, and; relates to the past, present or future physical or mental health condition, provision of health care to an individual or the past, present or future payment for the provision of health care to an individual.
- c. Health Information: Any information, whether oral or recorded in any form or medium, that is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university or health care clearing house; and relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual.
- d. Privacy Officer: A designated individual with responsibility for developing and implementing the privacy policies and procedures of covered entities.
- e. Compliance Officer: A designated individual responsible for receiving and investigating complaints of HIPAA privacy rights violation.

6-12.3 Compliance – The designated Privacy Officer or designee will be responsible for assuring that established HIPAA privacy requirements are adhered to in the use, disclosure and maintenance of Protected Health Information (PHI) for employees of the City. The Privacy

Officer shall assure that all employees, classified, non-classified and temporary/seasonal, receive the required training as set forth by federal guidelines.

Access to employees' medical files and records will be restricted to those with a need to know upon approval of the Privacy Officer and/or the Human Resources Director and applicable employee consent as required by HIPAA guidelines.

- 6-12.4 Violation of Privacy Rights – Complaints of violation of individual privacy rights shall be submitted in writing to the designated Compliance Officer for investigation. Investigation shall be completed within five working days following receipt of the written complaint. A written response will be issued to the Privacy Officer and the Human Resources Director along with a recommendation for corrective action, and/or disciplinary action, based on the findings of the investigation.
- 6-12.5 Penalties – Use, access or disclosure of PHI to any person or entity, internally or externally, either during or after employment or association with the City of Bowling Green, except as is required and permitted in the course of duties and responsibilities as an employee of the City of Bowling Green and as permitted under HIPAA privacy requirements, shall result in disciplinary action up to and including termination. Based on the severity of violation and intended use of PHI disclosure, civil and criminal penalties may be pursued under applicable federal law.

6-13 Electronic Communications

- 6-13.1 Purpose – The City provides its employees with access to City owned computers, telephones, facsimiles, copy machines, voice mail, electronic mail (e-mail) and electronic files created or stored in City's computers and/or City cell phones (hereinafter referred to together as "electronic communication devices") to promote intra and inter City transmission of business. The Computer Procedure and Ethics Policy adopted by the Board of Commissioners shall be considered a part of this policy manual, and outlines acceptable usage of these electronic communication devices and gives notice of monitoring. The policy also provides internet and e-mail use guidelines, prohibited uses, and violations of policy.
- 6-13.2 Provisions – All electronic communication devices are the property of the City. The City retains the right to monitor all voice mail messages, e-mail messages, and electronic files which are created or stored on the City's network computer system, on an employee's work computer, or on any disk, hard-drive, or other storage device which the City provides to an employee. The City retains the right to monitor text messages and call records sent on a City-provided cell phone.

Employees should not have an expectation of privacy in anything they create, store, receive, or send on the City's e-mail system, intranet or internet computer system or City cell phone. The City, in its discretion as owner of the cell phones, computers, e-mail, internet and intranet systems, reserves and may exercise the right to monitor, access, retrieve and delete any matter stored in, created, received, viewed, or sent over the computer system for any reason with and without the permission of any employee.

Individuals using the City's electronic devices expressly consent to monitoring of their activities.

6-13.3 Violations – The City’s Employee Harassment Policy and Equal Employment Opportunity Policy apply fully to the City’s cell phones, computers, e-mail and intranet and the creation or transmission of any data or e-mail message that may be construed to violate these or other City policies is strictly prohibited. Violation of these policies or any other City policy is grounds for discipline up to and including termination. Illegal activities may result in prosecution by legal authorities.

6-13.4 Reporting – Once a computer or cell phone violation is identified by authorized personnel, the Human Resources Director shall be notified. The Human Resources Director shall in turn notify the appropriate department head to initiate an investigation. Based on the findings of the investigation, the Human Resources Director shall recommend a course of action in accordance with established policy based on severity of the incident, and precedence set by prior violations of a similar nature. Discipline may include temporary or permanent termination of access to e-mail or the internet, or loss of the City cell phone.

All disciplinary actions shall be documented in accordance with Section 7-2 and submitted to the Human Resources Department for tracking and/or filing in the employee’s permanent personnel file.

6-13.5 Recorded Conversations – Except pertaining to police or arson investigations authorized by written department procedures, and administrative investigations authorized by the Human Resources Director or the City Attorney, employees are prohibited from recording internal conversations without the knowledge of both parties. Such recordings could be subject to open records disclosure.

6-13.6 Social Media Policy – The social media policy is contained in Section 9.6 of the Computer Procedures & Ethics Policy.

6-14 Employee Ethics Hotline

6-14.1 Purpose - The City of Bowling Green is committed to an environment where open, honest communication is the expectation, not the exception. Employees should feel comfortable in approaching a supervisor, department head, or Human Resources regarding a concern about a potential violation of policy, fraud, waste, abuse or unethical behavior. Face to face reporting is always the best form of communication. The City recognizes that there are some scenarios in which direct reporting is not the best solution for an employee. The City has contracted with a third party vendor, EthicsPoint, to handle indirect reporting.

When appropriate, an employee may choose to complete an anonymous report via EthicsPoint Employee Hotline. This hotline is hosted by a third party provider, not the City’s network, and notification is sent directly to the City Internal Auditor for investigation. EthicsPoint does not generate or maintain any internal connection logs with IP addresses or other identification information linking a computer and they are contractually committed to not pursue a reporter’s identity.

6-14.2 Employee Expectations - Employees should utilize this system in good faith. Reports should not be frivolous or ill-intended. The City will not tolerate or investigate malicious

complaints, but mistaken complaints and concerns are not considered malicious. The process of filing a report requires time and attention to detail. Employees should keep the following in mind when utilizing the hotline:

- a. All employees should review the training in Target Solutions prior to using Ethics Point to ensure proper usage of the Ethics Hotline.
- b. Whenever possible, report the incident to your supervisor, department head or Human Resource, first.
- c. Only employees may use the hotline.
- d. A reporter must be able to provide adequate information to support an investigation such as names of all individuals involved, other witnesses, dates and times if known, and documentation including pictures and videos, or any other specific detail pertaining to the potential violation. Providing as much detail as possible will help the City Internal Auditor to fully and quickly resolve the situation.
- e. Consistent follow up by the reporter is essential to conducting a proper investigation. Upon creating a report, EthicsPoint provides a report key and a self-created password that allows the reporter to check the status and answer questions during the course of investigation. While still maintaining anonymity, a reporter can respond to questions by the investigator, and upload attachments such as photos, documents, and videos. Reports without adequate facts or follow-up may not result in full investigation or resolution.
- f. Any City employee can file a report from any computer by logging onto www.bgky.ethicspoint.com. In addition to filing electronically, an employee may also call the EthicsPoint toll-free hotline at 1-855-282-4973 which is available 24 hours a day, 365 days a year.

6-15 Miscellaneous

6-15.1 Smoking Prohibition – Per Municipal Order No. 2007-261 adopted August 21, 2007, smoking is prohibited in all City owned and leased buildings that are used for municipal purposes and in all City vehicles. Smoking is also restricted in designated areas of City parks.

- a. Definitions: As used in this policy, “smoke” or “smoking” means the act of inhaling or exhaling the smoke from any lighted cigarette, cigar or pipe or other combustible tobacco product. “Building” means any building owned or leased by the City and used for any municipal purposes, whether or not the public ordinarily enters the building.
- b. Smoking Prohibited: Smoking is prohibited in all buildings and City owned or leased vehicles. This prohibition extends to City employees and all other persons inside City buildings and vehicles. Any smoking outside of buildings and vehicles will be at a sufficient distance to prevent smoke from entering the doors and windows of the buildings and vehicles.

- c. Exceptions: The only exception to the prohibitions in Section b. is that smoking may be allowed at the discretion of police officers within designated interview and interrogation rooms with the condition that the doors to those rooms remain closed to prevent the spread of smoke to other parts of the building.
- d. Notice: Each department having control of the buildings and vehicles subject to this policy shall make every reasonable effort to ensure compliance with this policy, including posting of signs at appropriate locations.
- e. Enforcement:
 - (1) It shall be the duty of any City employee, with the assistance of a supervisor if necessary, to assist in the enforcement of this policy by visitors in City buildings or vehicles. Any visitor violating this policy shall be requested by the City employee observing the violation to stop smoking. If the visitor refuses to comply with that request, the employee should then request that the visitor exit the building or vehicle. If the visitor refuses to honor that request, the employee should then contact Police Dispatch and request assistance.
 - (2) Any City employee violating this policy or found to have altered, defaced, removed or destroyed any posted signs shall be subject to appropriate disciplinary procedures, including reprimand, suspension, or termination.
- f. Regulations Regarding Smoking in City Parks: Smoking is prohibited in City parks, except designated smoking areas, parking areas, when Fountain Square Park is rented for private use, and the non-building areas of City golf courses and cemeteries. Employees are expected to follow the same procedure described above in “e” to help enforce this policy.

6-15.2 Reporting Offenses to Supervisor – In addition to other offenses that are listed in this manual, the following shall be reported to the supervisor:

- a. An employee is required to report to his supervisor if he is arrested, is convicted, is indicted for a possible offense, receives a DUI, or if he is aware of a criminal investigation involving or about himself. Any employee arrested and charged with a criminal offense may, upon investigation of the charges by the City Manager or his designee, be retained in work status, suspended pending final disposition of the case, or be terminated.
- b. If the employee’s job requires him to drive a City vehicle, the employee is required to notify his supervisor of any off-duty accidents that require a police report.

6-15.3 Building Security – As part of its security measures and with the approval of the City Manager, the City reserves the right to position video cameras or other monitoring equipment to monitor areas in which privacy is not reasonably expected (e.g., lobbies, lounges, hallways, work areas, elevators, stairways, etc.); such will be monitored by a person(s) approved by the City Manager.

6-15.4 Workplace Visitors – While the City seeks to focus on providing an environment open to work and family issues, the activities of the workplace should be aimed at accomplishing the work of the City. The frequent or extended presence of visitors in the workplace is

inappropriate for several reasons including potential risk of harm to the visitor, potential liability to the City, and decreased employee productivity.

Consequently, the City does not permit the frequent or extended presence of visitors, including friends and family members, in the workplace. An emergency or unique circumstance may arise that could necessitate an approved exception. In such case, the employee should consult with his immediate supervisor and develop a plan to resolve the situation with as little disruption to the workplace as possible. Otherwise, the extended presence of visitors in the workplace is not allowed.

These guidelines do not apply to visitors at the workplace to attend a class or special event or when otherwise authorized to use City facilities.

- 6-15.5 Breastfeeding Policy – As part of the City's family-friendly policies and benefits, the City supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The City will designate a room located in the work area of the employee for this purpose. At the request of the employee, a small refrigerator reserved for the specific storage of breast milk will be made available. 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 who need use of the room must request/reserve the room by contacting the Human Resources Director or Benefits Manager with as much advance notification as possible. Every effort will be made to accommodate employees who work offsite or in non-traditional work locations with a private area as requested.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

CHAPTER VII

DISCIPLINE

7-1 Grounds for Disciplinary Action

7-1.1 General – The supervisor or department head shall determine, upon review of an offense, the gravity of the matter and/or whether it is a recurring act or failure on the employee's part. Upon such review, the employee may be warned, suspended, demoted, or dismissed, depending on the severity of the offense.

7-1.2 Grounds – It is not possible to list every possible type of offense for which disciplinary action might be necessary. However, grounds for disciplinary action, ranging from verbal warning to immediate discharge depending on the severity of the offense in the judgment of management, include, but are not limited to, the following:

- a. Excessive absenteeism, tardiness, or failure to check in (no-call, no-show).
- b. Failure to notify supervisor, or other authorized personnel in the event that the supervisor cannot be contacted, when unable to report for work at the time assigned; unexcused or unauthorized absence on one or more scheduled days of work; leaving job to which assigned at any time during working hours without proper permission; frequent absences, whether excused or unexcused, that affect efficient and/or satisfactory performance of the job.
- c. Violation of leave policy, and/or other provision or regulation of this manual.
- d. Failure to observe precautions for personal safety, posted rules, signs, safety instructions or to use protective clothing or equipment; endangering the safety of or causing injury to other employees through carelessness; failure to report personal injury or accident; or improper operation of a City-owned motor vehicle, or violating traffic regulations or the vehicle operation rules specified in the Risk Management Manual, which includes loss and/or suspension of vehicle operator's license for employees whose job requires maintenance of valid operator's license; or failure to enforce safety rules.
- e. Work stoppages such as strikes or slow-downs; loafing, wasting time, inattention to duty, sleeping, or gambling during working hours.
- f. Careless workmanship, or failure or delay in carrying out orders, work assignments, or instructions.
- g. Inadequate or unsatisfactory job performance; or being incompetent or inefficient in the performance of the duties of the position; or being otherwise unfit for City service.
- h. Divulging or discussing any City business which is confidential, unless authorized or directed to do so by the department head or City Manager.

- i. Unauthorized use or disclosure of Protected Health Information (PHI) as identified by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- j. Disorderly conduct; engaging in dangerous horseplay, or resisting competent authority; failure to notify supervisor of a domestic violence restraining order; violence, which includes threatening, attempting, or using physical force or power against another person, against oneself, or against a group or the community which either results in, or has a high likelihood of resulting in injury, death, or deprivation.
- k. Reporting for duty, being on duty under the influence of, unauthorized possession of, attempting to bring to work, or selling of alcohol or drugs; possession or use of alcohol or drugs while in a City-owned vehicle; refusal or failure to submit to a drug or alcohol test.
- l. Speaking disrespectfully, maliciously ridiculing, or making irresponsible statements, which are slanderous or defamatory about other employees or officials.
- m. Immoral, indecent, or notoriously disgraceful conduct, or conduct unbecoming of a City employee; use of disrespectful or offensive conduct or language in public, or toward the public, City officials, or fellow employees, either on or off duty; or use of insulting, abusive, or obscene language.
- n. Discrimination against an employee or applicant because of race, color, religion, national origin, political affiliation, sex, age, or disability; sexual harassment; a capricious charge of sexual harassment; any reprisal action against an employee having filed a grievance, or discrimination or harassment complaint; or workplace bullying, whether verbal, physical, or otherwise, towards another employee.
- o. Dishonesty, falsification, misstatement, exaggeration, or concealment of material fact in connection with employment, work performance, promotion, any record, investigation, or other proper proceeding; or falsification of vouchers, reports, insurance claims, attendance records, leave records, or other official records; improper destruction of City property or official records without authorization.
- p. Insubordination or disobedience to constituted authorities, or deliberate refusal or failure to carry out any official regulation or proper order from any superior or supervisor having responsibility for the work of the employee, when such conduct impairs the efficiency of the City service.
- q. Criminal convictions for acts of conduct on or off the job, which are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence to the City's duties to the public or to other employees. An employee shall notify his supervisor if he is indicted for a possible offense, if he is arrested, or if he is aware of a criminal investigation involving or about himself. Any employee arrested and charged with a criminal offense may, upon investigation of the charges by the City Manager or his designee, be retained in work status, suspended pending final disposition of the case, or be terminated.
- r. Unauthorized possession of or use of firearms, dangerous weapons, or explosives.

- s. Being a member of a subversive organization, with knowledge of its purpose, or knowingly or willfully violating the laws of the United States, the Commonwealth of Kentucky, the ordinances of any City, County or Municipality of the Commonwealth, or any department rules and regulations.
- t. Willful, unreasonable or unnecessary force or cruelty to a person in custody, provided the act committed was not necessarily done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.
- u. Unauthorized use, possession of, loss of, or damage to City property or the property of others, or endangering same through carelessness; having been careless or negligent with the monies or other property of the City; converting, taking, or using any property or personnel of the City for his own personal use, or for the personal use or benefit of other persons; or selling, giving, or exchanging any City property to or with any other persons.
- v. Attempting to use, threatening to use or using official position or authority, or personal or political influence in securing promotion, leave of absence, transfer, or change of pay rate, in any manner relating to his work, or for any personal or political profit or advantage.
- w. Inducing, or attempting to induce, an officer or employee in the service of the City to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order.
- x. Taking for his personal use from any person, any fee, gift, or other object or service of value in the course of his work or in connection with it, when such gift, fee, object, service, or other valuable thing could be construed to be given in the hope or expectation of receiving a favor or better treatment than that accorded other persons; accepting any bribe, gift, token, monies, or other things or services of value which could be construed to be intended as an inducement to perform or refrain from performing any official act; or engaging in any action of extortion, or other means of obtaining money or other things of value through his position in the City government.
- y. Violation of any City policy or procedure including but not limited to this manual, the City's Ethics Code, and the Computer Ethics Policy.

7-1.3 Cooperation with Investigation – City officials may conduct workplace searches or make an investigation on its property and premises. With reasonable suspicion, employee personal property can be searched if on City property or used in conjunction with work. Employees are expected to fully cooperate in any investigation regarding drug or alcohol use in the workplace, theft, vandalism, or other work rule violations. Failure to comply with an official's request to cooperate with such an investigation may subject the employee to disciplinary action, up to and including termination.

7-2 Penalties

7-2.1 General

- a. In general, issues of employment performance and conduct may be addressed using progressive discipline to address issues such as poor work performance or misconduct to encourage employees to become more productive workers and to adapt their behavior to City standards and expectations. Generally, a supervisor provides a warning to an employee to explain behavior that the supervisor has found to be unacceptable or performance requiring improvement. There are two types of warnings: verbal and written.
- b. The use of progressive discipline, however, is strictly within the discretion of the City. The City reserves the right to exercise such disciplinary measures as it deems appropriate. In most instances, progressive discipline will be imposed in the manner below. In addition, disciplinary standards, guidelines or procedures may be set forth or specified in other personnel policy sections, or in other laws, regulations, policies or in department-specific regulations.

7-2.2 Warnings –

- a. A **verbal warning** occurs when a supervisor verbally counsels an employee about an issue of concern. A written record of the discussion, noting the date, event, and recommended action, is placed in the employee's personnel file for future reference.
- b. A **written warning** is used for behavior or performance that a supervisor considers more severe or when a verbal warning has not helped change unacceptable behavior or performance.
- c. A **suspension** would be used when certain performance, conduct or safety incidents are so problematic that the most effective action may be the temporary removal of the employee from the workplace. Suspension may be used when immediate action is necessary to ensure the safety of the employee or the employee may be suspended pending the results of an investigation. Suspension requires the approval of the Director of Human Resources. Depending on the seriousness of the incident the length of the suspension may be issued in one day increments not to exceed five days. Exceptions may occur during an on-going investigation.
- d. **Final Written Warnings** may be delivered in tandem with a suspension. A final written warning is used for severe violations, gross misconduct or when previous attempts at progressive discipline have not helped change unacceptable behavior or performance. The concept of a final written warning is that any future violations or unacceptable performance may result in termination.

7-2.4 Demotions – In addition to those reasons set forth in Section 7-1.2, an employee may be demoted during periods when it is necessary to lay off employees, or when an employee develops a medical condition which renders him unable to perform the essential duties of his position but is capable of performing in a lower classification. Demotion may also be proper in order that an employee whose work has not been satisfactory, but who does not deserve dismissal, may be retained and assigned less difficult work. Demotion might also

apply if an employee is not able to meet or maintain the minimum training requirements for his position.

The following procedure is normally utilized to initiate a demotion:

- a. When there is a vacancy for which the employee is qualified in a lower class within the department, in consultation with the Human Resources Director, the department head may place the employee in the vacancy. An "Employee Disciplinary Notice" form should be completed indicating that the employee has been informed of the reasons for the action, with a Personnel Action completed for payroll purposes.
- b. When there is no such vacancy, the department head will notify the Human Resources Director, and the employee shall be made available for placement in other departments.
- c. Demotion is contingent upon the availability of suitable work or position.
- d. Demotions involving a change in job classification require approval of the City Manager. Per Section 17-1.13 of the City Code, demotions due to unsatisfactory work and/or disciplinary issues also require approval of the Board of Commissioners.

7-2.5 Dismissals – A Department Head may, at any time, recommend to the City Manager that an employee be dismissed.

The following procedure is normally utilized to initiate a dismissal:

- a. Any such recommendation must be substantiated by documentation in the employee's record through progressive discipline that work habits or actions of the employee have not been satisfactory, and that the employee has been counseled as to the need to improve such habits or actions, unless the offense is such that dismissal is recommended on the basis of one very serious incident.
- b. A Department Head will notify the Human Resources Director of the intention to dismiss an employee with appropriate documentation.
- c. Upon the City Manager's approval, the department head shall give the employee written notice of recommendation of dismissal on the "Employee Disciplinary Notice" form, and shall send a copy to the Human Resources Director.
- d. Per Section 17-1.13 of the City Code, dismissal of a classified employee due to unsatisfactory work and/or disciplinary issues requires confirmation by the Board of Commissioners.
- e. Any classified employee may file a complaint grieving the dismissal as provided in Section 6-8.
- f. Any employee who does not properly notify the appropriate supervisor or department head and fails to report for work for three consecutive working days shall be considered to have voluntarily resigned his position. See Sections 5-1.7 Reporting and 8-1.3 Failure to Give Notice.

7-3 Disciplinary Procedure

- 7-3.1 Investigations – A supervisor shall report a violation of the law or a violation of these or other departmental regulations to his department head as soon as possible. The department head's resulting investigation shall be made with the purpose of ascertaining the facts relative to the circumstances surrounding the alleged offense. In the investigation of a written complaint against an employee, a copy of the complaint and report of the investigation may be forwarded to the City Manager.
- 7-3.2 Records – Violations shall be recorded on an “Employee Disciplinary Notice” form, discussed with the employee, approved by the department head, and forwarded to the Human Resources Director. The employee shall receive a copy of the completed notice, and shall have an opportunity to request an appeal as provided in Section 6-8. Any disciplinary action resulting in a change in or loss of pay should also be reported with a Personnel Action.
- 7-3.3 Name-Clearing Conference – An employee who is involuntarily terminated from employment and alleges that, in relation to the termination, stigmatizing false statements that are damaging to the employee’s reputation have been made public may request a name-clearing conferencing. Stigmatizing statements shall include statements involving allegations of dishonesty or other conduct which may damage the employee’s reputation and impair his ability to obtain other employment. It shall be the responsibility of the employee to promptly request the name-clearing conference in writing to the Human Resources Director. In the event the employee filed a grievance pursuant to this policies, those proceedings will function as the name-clearing conference. Prior to the conference, the employee shall be provided a written notice of the reason(s) for the disciplinary action. The conference shall be held by a higher ranking supervisor/department head who has not pre-determined that the employee deserves discipline. The supervisor may be present as a witness. The Human Resources Director may substitute for the department head if the department head is the immediate supervisor of the employee being disciplined. The purpose of the conference is to provide the employee an opportunity to rebut the stigmatizing false statements and attempt to clear his name from any perceived misconduct. As this is an informal conference no attorneys or other witnesses need be included. The supervisor/department head shall make his recommendation to the City Manager. The final decision whether to discipline rests with the City Manager, except that involuntary termination also requires approval of the Board of Commissioners. Any employee who is recommended for involuntary termination may request to discuss that recommendation with the Board of Commissioners prior to its decision.

CHAPTER VIII

TERMINATION OF EMPLOYMENT

8-1 Procedure

8-1.1 Proper Notice – To enable the City to make proper provisions for the filling of a position, employees are required to give, and work, a written notice of resignation or retirement as follows in order to receive pay for certain accrued leave:

- a. Personnel shall give at least 10 working days (two weeks) written notice prior to resigning.
- b. Employees shall provide written notice to their department head at least 30 calendar days prior to retirement. Any use of accrued leave during the notice period must be approved by the Department Head. Any use of sick leave accruals during the notice period shall only be used for bona fide medical reasons authorized by a medical professional. A good faith effort to pass on workplace knowledge is expected.
- c. Any employee serving in the capacity of department head listed on pay schedule “D” shall provide to the City Manager written notice at least 30 calendar days prior to leaving.
- d. Employees who retire on disability should provide notice as soon as practical.
- e. There may be certain circumstances in which a department head may prefer that an employee not work the required notice, such as when termination is mutually beneficial. With the approval of the City Manager, the department head may authorize that the employee receive full severance pay for the notice period as well as pay for accrued vacation leave.

8-1.2 Termination Payment – Upon resignation, retirement, termination, or interruption of employment, accrued vacation leave, holidays, and/or personal days may be paid under proper conditions:

- a. If at least six months' classified service has been completed and the employee has given and worked the required notice of termination, the employee will be paid for any accrued vacation, holiday, and/or personal leave, except as provided in “e” below. Retirement contributions are not withheld.
- b. Payment shall be based on the base rate of salary last earned prior to termination, not to exceed the vacation leave accumulation limit stated in Section 5-10.3. As is stated in Section 5-11.2, a public safety employee must work or be on approved paid leave for at least half of the working days of the quarter in order to earn the holiday(s). Leave payout will be adjusted if the employee took more holidays than had been earned at the date of termination.
- c. The date of termination of employment shall be considered to be the last active working day of the employee. Since the Kentucky Retirement System utilizes a first

of the month effective date, a retiring employee may utilize some authorized accrued leave to remain on benefits through the end of his last month as long as he gives and works the proper notice period described in Section 8-1.1.

- d. In the event of an employee's death, payment for any accrued vacation, holiday, or personal leave will be made to his estate. The City will pay the employee's regular base pay rate for any days in the last two-week pay period not covered by accrued leave.
- e. An employee may be discharged without notice or without further pay, including accrued leave for willful violation of rules, misconduct, or similar causes.
- f. Payment for accrued leave will be made according to the normal payroll schedule following receipt and verification of leave records. Retirement contributions are not withheld from the vacation leave payment, nor is the lump sum payment included in retirement benefit calculations.
- g. Payment for accrued leave will be contingent on the employee leaving employment in good standing, which includes returning all property of the City, keys, and required uniforms in compliance with IRS taxable benefits; repayment of any outstanding payroll correction amount as referenced in Section 2-6.4 d; repayment of any training costs referenced in Section 3-4.7 or tuition/book expense reimbursement referenced in Section 4-3.4; repayment of any insurance premiums referenced in the family/medical leave policy in Section 5-13.5; or any other identified repayment. Payment for accrued leave is also contingent upon the terminating employee participating in an exit interview and/or exit medical physical if so requested by the Human Resources Department.
- h. Non-exempt personnel eligible for paid overtime shall be paid for any accrued compensatory time. Exempt personnel are not eligible for payment.

8-1.3 Failure to Give Notice – Failure to give proper notice may affect the employee's eligibility for re-employment with the City.

Any employee who does not properly notify the appropriate supervisor or department head and fails to report for work for three consecutive working days shall be considered to have voluntarily resigned his position, with no accrued leave pay allowed.

8-1.4 Records – All written notices must be filed with the department head to be considered official. Upon proper notice, the department head should check the record of the employee as to possession of City property, and complete a Personnel Action, which will notify the Human Resources Department and Payroll Division about the termination. A copy of the employee's written notice should be attached. The Payroll Division shall determine the amount of pay adjustment to be made and the final pay to be received by the terminating employee.

8-1.5 Reference Authorization – Upon notification of termination, the employee may be asked to sign a statement indicating whether he authorizes the City to provide future employment and credit references, and if so authorized, releasing the City from any liability when giving factual information about his employment and personal record. Without such

authorization, the City may be limited to providing only his job title and dates of employment.

8-2 Layoffs

- 8-2.1 Procedure – Layoffs may occur whenever it is necessary to reduce the work force for any reason, or when a particular job function is no longer required.

The Human Resources Director shall conduct a study of the employment situation and make recommendations to the City Manager regarding layoffs.

The City Manager shall specify which employee shall be laid off. Recommendations shall be based upon the employee's work record, including seniority as one factor. Any employee laid off shall have no right to appeal or grieve such action.

An employee subject to layoff may be reassigned to a vacant non-sworn position at or below the same pay grade as long as he possesses at least the minimum requirements of the position and is capable of performing the essential job duties. Such reassignment may occur similar to that provided in Section 3-2.2 e., although a change in job classification shall require approval by the Board of Commissioners, and may result in decreased pay if placed in a lower pay grade.

- 8-2.2 Recall – Employees laid off shall be held in a layoff pool for possible recall for a period of time equal to their length of service, but not exceeding two years. In the event of recall, previous service time, along with accumulated sick leave, shall be restored (see Section 3-2.3).

8-3 Miscellaneous Separation Information

- 8-3.1 Return of City Property – An employee leaving the City service through resignation, layoff, or dismissal is responsible for returning any City property which he may have in his possession, including tools, badges, keys, etc. (also see Section 4-4.4 on uniforms)

- 8-3.2 Continuation of Health Benefits – Insurance coverage through the City will terminate on the effective date of termination, unless continued by the employee or if part of a negotiated separation. City employees who terminate employment due to reasons other than gross misconduct may be eligible to continue health and/or dental insurance coverage through the City until such time as they have coverage elsewhere or are no longer entitled to insurance coverage under the City's policies. If an employee loses group medical or dental coverage due to termination of employment or a reduction in work hours, he may choose to remain on the City's coverage for up to 18 months, as long as he is not covered by another group plan or Medicare. The former employee must pay the premium in a timely manner in order to assure benefits.

Dependents who lose medical or dental coverage because of change in family status or the termination or reduction in work hours of an employee may also be entitled to remain covered by the City's plan, and under certain conditions could maintain continuation coverage for up to 36 months.

In order to retain coverage, the terminating employee or dependents must notify the City's insurer within 60 days of the termination that continued coverage is desired.

Retirees under CERS are eligible for medical coverage through that system, as are qualified dependents.

In the event of the death of an employee, dependents on the employee's medical, dental, and vision plans shall be allowed to retain that coverage through thirty days from date of the employee's death, without having to pay any portion of the premium other than the normal deductions from the last paycheck. If the death is deemed work-related, the City Manager may extend the free coverage period to a total of up to ninety days from date of death, or when Kentucky Retirement System dependent medical insurance coverage goes into effect, if applicable. COBRA benefits could start after that period, if applicable.

An employee with the HRA medical plan who terminates employment and either immediately retires on CERS or continues City insurance coverage through COBRA, may continue to access his HRA funds for eligible medical expenses.

- 8-3.3 Department Heads - Department Heads hired prior to July 1, 2003, who opted to participate in the City-sponsored deferred compensation program, and rejected participation in CERS per KRS 78.540 (1) but later elected to participate per KRS 78.540 (3), state law precludes counting non-qualified rejected service later purchased, toward medical insurance coverage. If such employee obtains at least five years of CERS service eligible for medical insurance coverage, the retiring employee shall select medical coverage with CERS upon retirement, rather than medical coverage with the City. The City will pay the remaining percentage of the basic monthly premium cost for the retiree as CERS would have paid had the retiree been a member of CERS his entire period of employment with the City. (Example: employee has worked for the City for twenty years, and had rejected CERS upon employment. Employee joins CERS and works ten more years. Based on ten years' service worked in the retirement system, CERS will pay 50% of the basic medical premium. The employee worked at least twenty years, thus the City would reimburse the retiree the remaining 50% of basic premium.)

Retiree Medical Insurance – Other than as described in Section 8-3.2 and 8-3.3, employees who retire may be eligible for medical insurance coverage through the Kentucky Retirement System.

CHAPTER IX

EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION PROGRAM

9-1 Policy

- 9-1.1 Statement of Support – In all personnel transactions, the City of Bowling Green will adhere to the Equal Employment Opportunity guidelines and to those additional provisions and guidelines set forth in this Chapter.

In order to strengthen equal employment opportunity within this city, the City has voluntarily developed and implemented an Affirmative Action Program. The City will continue a policy of equal opportunity in all areas of personnel management without discrimination on the basis of race, creed, religion, color, national origin, sex, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic make-up, age, disability, veteran or family status, an individual's status as a smoker or nonsmoker, except where any of these are bona fide occupational qualifications. City government reaffirms the right of all its residents to be full participants in its development and future by implementing this Affirmative Action Program.

The City of Bowling Green complies with the ADA of 1990 as amended by the Civil Rights Act of 1991. This act prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion discharge, compensation, job training, fringe benefits, and other aspects of employment.

The City of Bowling Green will provide reasonable accommodation to qualified individuals with a disability who, with an accommodation, can perform the essential functions of the job, unless the accommodations will impose an undue hardship for the City of Bowling Green.

- 9-1.2 Formal Dissemination of Policy – The City will ensure that all current and prospective employees are advised of this policy by methods such as the following:
- a. This policy has been incorporated into the current Administrative Personnel Policy and Procedures Manual of the City of Bowling Green, a copy of which has been given to all employees.
 - b. A copy of this policy will be distributed to all current and future employees.
 - c. Internal communications media such as bulletin boards, employee meetings, employee newsletters, and employee orientations will be used to inform all employees of this policy.
 - d. Periodic training will be provided for new supervisors on such topics as equal employment opportunity and diversity in the workplace.

- e. The City will, in all employee recruitment notices and solicitation, include language appropriate to the intent of this nondiscriminatory policy.

9-2 Responsibility for Policy Implementation

9-2.1 City Manager – The City Manager is responsible for administration of all affairs of the City, which includes responsibility for the overall administration of the Affirmative Action Program. The City Manager shall:

- a. Establish, administer, and provide policy direction for the Program so that equal opportunity exists in each department in all classifications. This will include directing all subordinate officials and employees to carry out all the provisions of this program.
- b. Direct those agencies, boards, and commissions which receive City funding and employ five or more persons to develop, maintain, implement and update their own Affirmative Action and Equal Opportunity Plans in order to continue to receive funding support.
- c. Direct those agencies that employ fewer than five persons to adopt and follow a policy of equal opportunity employment. Previously adopted Affirmative Action Plans that have been approved by the City may be used in lieu of such a policy.

9-2.2 Affirmative Action Responsibilities – The Human Resources Director shall be assigned the responsibilities of an Affirmative Action Officer. This person will have the firm support of the City administration for enforcing the legal and moral requirements involved in equal employment opportunity and affirmative action duties including:

- a. Developing realistic goals and monitoring the City's progress in achieving its goals as set forth in this plan.
- b. Responsibility for advising the City Manager on changes in personnel policies or practices that will facilitate the attainment of Program objectives.
- c. Disseminating to the City Manager and other responsible officials new legal guidelines on affirmative action and equal employment opportunity.
- d. Investigating and reviewing each discrimination complaint and recommending actions to alleviate and prevent further discrimination.
- e. The preparation of reports as needed concerning affirmative action, including collection of statistical information.
- f. Conferring with department heads and their employees in order to determine if each employee is properly placed according to abilities, qualifications, and talents. On the basis of this information, which shall be continually updated, employees will be encouraged to participate in either existing career development programs or new programs as they are developed.

9-3 Data and Reporting

9-3.1 Identification of Problem Areas – The City will continue to attempt to identify problem areas of employment. The Human Resources Director shall review data as follows:

- a. Statistical data will be assembled and maintained relative to equal employment in all departments of the City on an annual basis. All classified positions will be grouped into categories of similar jobs and analyzed by race, sex, salary level, and position in order to establish program goals.
- b. Statistical data will be obtained from the best available sources as to numbers and percentages of minorities and females employed or seeking employment in the various categories of position within the labor market area.

For most positions, the labor market area shall be considered to be Warren County, Kentucky. For higher-level or very specialized positions, the labor market area will be regional or national.

9-4 Complaint Procedure

9-4.1 Employee or Applicant Complaint – A City employee, applicant for City employment, or City resident desiring to utilize city services/programs, who feels he has experienced discrimination, has a number of options within the framework of this plan:

- a. Discuss the problem with the Human Resources Director, to try to informally reach a solution.
- b. Set forth in writing, within ten working days from the alleged date of discrimination, the specific charge of discrimination, including the following information:
 - (1) The date, time, and place of the alleged act of discrimination;
 - (2) The person or persons alleged to have discriminated against the employee or applicant;
 - (3) The basis of the discrimination: race, color, religion, national origin, sex, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic make-up, age, disability, veteran or family status, or an individual's status as a smoker or nonsmoker and;
 - (4) All other circumstances surrounding the alleged act of discrimination, with documentation.

This written complaint with supporting data should then be sent to the Human Resources Director, City Human Resources Department, 1001 College Street, P. O. Box 430, Bowling Green, KY 42102-0430 or via email to the Human Resources Director.

Upon receipt of the written complaint, the Human Resources Director shall forward a copy of same to the person or persons alleged to have discriminated against the employee or applicant. They shall have ten working days to respond in writing to the charge and

forward said response to the Human Resources Director. The Human Resources Director shall review all written statements and hold any such meetings as may be necessary in order to render a written decision within ten working days from the date of receipt of all facts from both sides.

If a charging party is not satisfied with the decision rendered by the Human Resources Director, the complaint may be processed under any of the other complaint options set forth in this plan.

- c. Within five working days of receipt of the decision of the Human Resources Director, the complaint may be presented to the City Manager, who shall hold a hearing thereon within ten working days. The complainant may be represented by any individual of his choosing in the hearings before the City Manager and a written decision shall be rendered within ten working days after the conclusion of the hearing.
- d. File a formal charge with any of the following commissions: (1) Bowling Green Human Rights Commission, 491 Double Springs Road, Bowling Green, KY 42101; (2) Kentucky Commission on Human Rights, 332 West Broadway, Suite 1400 - Louisville, KY, 40202 ; (3) U.S. Equal Employment Opportunity Commission, 600 Dr. MLK, Jr. Place, Suite 268, Louisville, KY 40202.
- e. File a private suit.
- f. File a complaint with the appropriate federal department or agency.

9-5 Public Contracts and Grants

9-5.1 Physical Construction – All agreements and contracts between the City and any contractor and/or subcontractor for construction projects and activities over \$7,500 will incorporate affirmative action and equal employment opportunity clauses.

9-5.2 Community Service Contracts – All agreements and contracts between the City and any agency, board, or commission which receives City funding shall incorporate affirmative action and equal opportunity clauses, and require enforcement of such policies.

9-6 Specific Program Highlights

9-6.1 Commitment – Top-level support of the City's Affirmative Action Program is a commitment made to all current and prospective City employees.

9-6.2 Program Dissemination – The Equal Opportunity Policy of the City has been included in the City Code of Ordinances, adopted by the Board of Commissioners. The Program is disseminated as follows:

- a. Copies of this plan shall be located in each work area, and a copy distributed to each individual employee. The City's Administrative Personnel Policy and Procedure Manual will be continually reviewed and revised to incorporate all necessary changes mandated by the content of this plan.

- b. Copies of this plan will be available to all agencies/organizations on the City's recruitment list at no cost, and shall be made available upon request to any interested citizens or community groups. In addition, the Human Resources Director will be available to meet and discuss the program personally with such persons or groups.

9-6.3 Job Structuring and Upward Mobility – Proper classification, reasonable opportunities for advancement, notice of openings, and counseling are critical to the success of the Program.

- a. The classification system was adopted as the initial guideline for job specifications and minimum qualifications. Specifications will be reviewed, evaluated, and revised as needed to assure that classifications are properly assigned and requirements are job-related. The qualifications required will be the minimum needed for entrance into a given class rather than those qualifications desired of an experienced employee of the class.
- b. Career ladders are to be established where practical, to permit movement of capable lower-level employees to positions of greater responsibility as the employees develop.
- c. Job opening notices will continue to be posted electronically and on departmental bulletin boards where necessary not only to inform employees of vacancies and promotional opportunities, but also to afford them an opportunity to apply.
- d. The Human Resources Director is available for counseling employees interested in upward mobility. The employee's education and experience are reviewed to determine which jobs he might be qualified to hold, or what additional training and experience are necessary to qualify for a job the employee wishes to attain.

9-6.4 Recruitment and Selection – The following efforts will be made to improve recruitment and selection of qualified personnel:

- a. When practical, the City will attempt to give proper and timely notice of solicitation by:
 - (1) Posting notice of job openings electronically and on departmental bulletin boards where necessary to allow for promotional opportunities and word-of-mouth advertising by employees.
 - (2) Sending special notice of job openings to community and regional agencies, schools, and organizations which will be likely to refer qualified candidates from the target groups.
 - (3) Advertising in the various news media, websites, and publications used as job sources by women and minorities.
 - (4) Contact persons with applications on file.

- (5) Making special efforts to broaden contacts with those agencies likely to refer target group applicants, including personal contacts with leaders, speaking to groups, and participating in special events such as job fairs.
 - (6) A Public Safety Recruitment Plan has been implemented to further define recruitment procedures to assist the City in attracting qualified target group applicants for jobs in the Police and Fire Departments.
- b. The on-line application format will be continuously reviewed, evaluated, and revised to eliminate items that are not job-related.
 - c. A review will be made of job categories where few members of target groups are employed in order to determine the causes of the deficiencies. Remedial efforts, where appropriate, may include more vigorous recruitment, discussion with management or supervisors regarding attitude or work environment changes, and special efforts to locate promotable employees.

Special emphasis will be placed upon cooperative efforts with interest groups such as the Human Rights Commission and NAACP to improve recruitment procedures and enlarge the pool of applicants in the target groups, particularly through referrals by these agencies.

- d. Procedures for examination and ranking of applicants will be reviewed, evaluated and revised prior to usage to assure that they are:
 - (1) Based upon careful job analysis to determine the knowledge, skills, abilities, and other qualification requirements actually needed for the job.
 - (2) Validated by appropriate methods.
 - (3) Administered under standardized or uniform conditions with uncomplicated instructions.
- e. Selection will be made in a non-discriminatory manner in keeping with established goals and timetables.
- f. Follow-up with minority employees and women in non-traditional positions will be conducted during their first few months of employment to assure they are properly placed, are being adequately oriented to the job, and are establishing good working relationships with other employees.
- g. Employment applications will be considered active for a period of one year, and applicants may ask that previously completed applications be considered for positions that may become available during this one-year period.
- h. Data relating to the scope of applicants will be maintained as required by state and federal law. All applications will be kept for a period of two years.

9-6.5 Equal Pay Provision – By adopting position classification and pay plan recommendations, and committing future staff time and resources to keeping the plan current, the City is ensuring that there will be no disparity in rate of pay received among employees who are performing equivalent duties.

9-6.6 Layoff and Other Personnel Actions – When necessary or appropriate, the City shall reduce its work force by means of layoff or otherwise. Any discharge, layoff and recall shall be on a classification seniority basis and the employee's work record, and not on the basis of race, religion, color, national origin, sex, age, or disability.

All other personnel actions, including termination when necessary, shall be on the basis of the employee's work record and not on any discriminatory factors. Supervisors will attempt to counsel employees and improve work behavior before disciplinary action is recommended.

9-6.7 Training – Programs to help employees improve job performance and advancement opportunities include the following:

- a. Training programs (on-the-job, formal classroom training and tuition programs) will be developed where and when applicable and financially feasible to equip employees with skills and abilities that will improve their job performance and advancement opportunities. Trainee selection methods and records of participants will be evaluated to assure that they are non-discriminatory. Encouragement will be given to target group personnel who wish to increase their skills and job potential through participation in appropriate training experience or education programs.
- b. Reimbursed tuition will be available to encourage classified employees to improve their education toward the goals of better job performance or upward mobility. In cases where a particular course is deemed very important for the employee's development, and it is only offered during the working hours, the department head may allow the employee to be released from work during the class period.
- c. All department heads and supervisory personnel will be trained in interviewing techniques, performance evaluation techniques, and assisting in career planning for employees within their departments.

9-6.8 Program Evaluation – The following steps are taken to evaluate the effectiveness of the Program:

- a. The Human Resources Director shall be responsible for compiling, or having compiled, annual progress reports regarding the City's Equal Employment/Affirmative Action Program. The report, to be presented in consistent format, shall include:
 - (1) Chart and statistical information outlining employment goals and timetables under review.

- (2) Chart and statistical information indicating appointments, promotions, transfers and terminations by department and job category. This shall include a demographic breakdown of the current work force in each job category.
 - (3) Review of the personnel actions during the reporting period in comparison with goals and timetables of the Program.
 - (4) Specific comments regarding the job categories and/or departments in which the Program is not working.
 - (5) Recommendations for improving the Program.
 - (6) Bibliography and/or footnotes for pertinent materials used in preparation of the report.
- b. Reports shall be submitted to the City Manager.
 - c. Exit interviews will be held with classified employees who are leaving City service. Any information, which is given relative to the Program, will be used in its evaluation.

9-6.9 Establishment of Employment Goals – Goals are established as follows:

- a. The City has determined that, except for very specialized classifications, the labor market in which it operates for most employees is Warren County, Kentucky.

Because figures representing the current labor force in Warren County are not indicative of the representation of particular groups within the community, those figures are not used in establishing employment goals. Rather, it is the goal of the City of Bowling Green to employ a work force that is representative of the community.

- b. In setting specific goals, hiring projections are based upon turnover rate patterns during the current fiscal year and upon anticipated retirement and/or resignations during the next year. Turnover data indicates that turnover is increasingly higher in the lower-level positions. Because of this fact the implementation of affirmative action efforts among higher-level ranks is greatly hampered. Even in lower-level positions turnover is relatively low. This is accounted for by scarcity of available jobs and by the fact that employees perceive the City as a steady, reliable employer.

Current work force analysis, projected positions available and hiring goals summarized each year may be included as an addendum to the Annual Affirmative Action Report.

- c. With the information available as to employment-deficient areas and projections of available positions during the next year, the City then sets goals for employment in each possible classification. Short-term realistic projections, which the City will likely be able to meet, are preferable to longer-term goals, which may or may not materialize. It is recognized that the City cannot correct deficiencies in one year; therefore, these goals set forth an orderly progression toward that ideal.

In some job categories the City is ahead of the general community in the utilization of women and minorities. In these areas, the goal will be not to allow a decrease in utilization, and perhaps to continue to increase utilization if more current labor market data indicates it is desirable.

- d. The Mayor and Commissioners shall seek qualified women and minorities to serve in appointed positions on City boards and commissions in order to allow for broader representation of the City's population in those agencies. The Mayor's office will work with interest groups such as the Human Rights Commission and NAACP to prepare recommendations for minorities and women interested and able to serve on such boards and commissions.

Appendix A

FOR NON-CLASSIFIED EMPLOYEES APPLIES TO PART-TIME & TEMPORARY/SEASONAL EMPLOYEES

1. Application of These Policies

For more information, see pages 5 - 7

Coverage – These policies and procedures apply to all non-classified employees in departments under the jurisdiction of the City Manager, unless otherwise specifically stated. “Non-Classified” includes employees whose positions are budgeted at less than full-time (fewer than 2,080 hours per year) and work on a part-time, seasonal, or temporary basis. Exempt classifications are listed in the “Unclassified Part-Time Pay Schedule.”

2. Classification

For more information see pages 8 - 9

Assignment of Classifications – The “Unclassified Part-Time Pay Schedule” is adopted by the Board of Commissioners. Classifications that are approximately equal in difficulty and responsibility, and which call for the same qualifications shall be grouped and assigned to the same pay grade. All pay grades have a minimum and a maximum rate of pay.

Establishment of Wage Rates – Based on prevailing rates of pay, cost of living factors, the financial policy of the City, and other economic considerations, the pay rates in the classification/pay schedules may be adjusted annually to reflect DLG (Department of Local Government) cost of living index. The Human Resources Director may recommend to the City Manager amendments in policy or in pay grade for individual classes.

Procedure – The following procedure shall be followed to maintain the Classification/Pay Plan:

- a. Amendments to the pay plan shall normally be made in conjunction with the annual budget.
- b. All personnel transactions involving a proposed personnel change shall have the approval of the department head.
- c. Personnel changes will be reviewed by the Human Resources Director with the department head, and a job analysis will be conducted where appropriate.

Plan Review – The Human Resources Director shall periodically review the classification of positions and may combine classes, establish new ones, or abolish unnecessary classes as the needs of the service require. All changes in the classification of positions must be approved by the City Manager and confirmed by the Board of Commissioners.

Permanent Part–Time Designation – Positions designated as “permanent part-time” rather than part-time or temporary/seasonal earn some leave benefits. To be designated as permanent part-time, a position should fit within the following guidelines:

- a. Budgeted to work at least 25 hours/week, and at least 39 weeks per fiscal year (975 hours or more); or
- b. Budgeted to work at least 20 hours/week, 52 weeks/year (1,040 hours or more)

Any situations which do not comply with this section but which were in existence prior to its revision shall be allowed to continue as long as the incumbent is employed by the City.

3. **Compensation**

For more information see pages 10 - 14

Minimum Compensation – No employee shall be paid less than the minimum rate prescribed for the class to which he is assigned.

Hiring Range – The minimum rate of pay for a class (also described as “grade”) shall be paid upon original appointment to the class. Appointment at a rate above the minimum may be authorized by the Human Resources Director when it is difficult to recruit qualified persons at the minimum rate for the class, or in recognition of exceptional qualifications of a candidate. During the first twelve months of employment, an employee can receive a total increase of up to \$.50 over the minimum rate for the pay grade, thus a new hire or an existing employee can be paid up to \$.50 over the minimum rate as well.

A seasonal employee being reemployed may be rehired at his last pay rate, at least the minimum rate for the pay grade, or up to \$.50 over the minimum rate.

Maximum Compensation – The base salary for employees who reach or exceed the maximum pay rate for their grade shall be frozen at that level until the range is adjusted to allow movement.

Overtime Work – The following policies apply to pay for work performed beyond the normal work period:

- a. All employees covered by this manual are classified as non-exempt from the federal Fair Labor Standards Act (FLSA) and Kentucky overtime provisions.
- b. Employees eligible for paid overtime shall receive time and one-half for overtime work. Any employee classified as non-exempt and subject to overtime pay, shall work forty hours in a week prior to being eligible for overtime pay. No paid leave, other than travel or educational leave, and job-related civil leave shall be counted toward the forty hours of work unless otherwise stated in Chapter V.

Prior written approval of the department head is required for an employee to work in an overtime capacity. Repeated failure to obtain such approval may result in disciplinary action.

- c. Overtime shall be kept to a minimum and shall be utilized to relieve specific occasional peak workloads or emergencies. Since overtime pay is required whenever an employee works over forty hours in a work period, equal time off during the same work week is allowed to reduce overtime liability (“flex time”).
- d. An employee working on modified duty is not eligible to work overtime (see Section 5-5.8).
- e. Overtime will be counted to the nearest one-quarter hour. The employee must work over at least fifteen minutes to count as overtime.

Promotion/Transfer Pay – Any employee promoted to another position in the Unclassified Part-Time Pay Schedule shall receive the minimum rate of the pay grade for the classification to which he is being promoted, or the hourly difference between the starting rate for the current pay grade and the grade to which he is being promoted, whichever is greater, not to exceed the maximum salary for the pay grade.

Transfers within the same pay grade shall not result in any pay change. If an employee seeks a transfer to a classification at a lower pay grade, the employee's pay rate shall not exceed the maximum rate for that grade.

4. **Pay Increases**

Amount of Increase – During the first twelve months of employment, an employee can receive a total increase of up to \$.50 over the minimum rate for the pay grade. Incremental raises (to the nearest \$.05) can be made at the discretion of the department head at any time during the first year.

If, upon re-employment the next year, an employee is not at a rate of \$.50 over the minimum rate for the pay grade, the employee can be adjusted by any amount up to that rate.

Annual Increases – If provided for in the annual budget, employees will be eligible for the recommended across-the-board increase. An additional amount may be recommended by the Human Resources Director for employees who have worked for the City for more than a year. Any raises shall not result in the pay rate exceeding the maximum rate for the classification.

5. **Re-Employment**

Former employees with a satisfactory service record may be eligible for re-employment; those with unsatisfactory records will not be considered further.

Seasonal layoff: If a permanent part-time employee who earns leave is laid off during a period where there is no work available, and is re-employed the following year or season, accrued sick leave may be restored.

6. **Leaves of Absence and Holidays**

For more information about leaves of absence, see Chapter V, pages 33 - 52

- a. General Statement – Any reference to an employee earning or using paid leave generally does not apply to temporary or seasonal employees. Employees in the “permanent part-time” category are eligible for vacation, sick, holiday, and bereavement leave. All employees are eligible for injury, civil, and military leave.
- b. Computing Leave Credit – A new permanent part-time employee shall begin earning vacation and sick leave the month following the hire date. In the final month of employment, the employee shall earn a full month's credit if he works at least half of the working days in the month. Monthly vacation and sick leave earnings shall be credited during the pay period that includes the 15th of the month.
- c. Rate of Leave Earnings – Leave for specific permanent part-time employee groups shall be earned at the following rates, based on work hours budgeted, on the proportion of eight hours earned per month for employees working 40 hours per week:

FTE:	Average hours worked/Week	Hours Earned/Month
.50 - .624	20	4 hours
.625 - .749	25	5 hours
.75 - .874	30	6 hours
.875 - .91	35	7 hours

If a position is budgeted to work at a level of hours between those listed above, leave shall be earned at the next lower rate.

Employees who do not work a 12-month job shall earn the hours specified above for each month in which they work at least half of the working days.

The number of hours earned shall be based on the number of hours of work budgeted for the position, and will not fluctuate if the actual number of hours worked varies from one week to the next. A Personnel Action shall be initiated to document any change in leave earnings. If an employee continually works fewer hours than budgeted, the rate of earnings may be reduced to the appropriate level.

Sick Leave

Rate of Earning –

- a. Sick leave for specific permanent part-time employee groups shall be earned as described in Section 5-1.11. Sick leave may be used based on the employee’s regular schedule for the day, rather than the leave earnings schedule listed above.
- b. School Crossing Guards earn one half-day per month, which is the equivalent of one hour. A full day’s absence due to sick leave shall be counted as two hours, one half-day shall count as one hour.

Vacation Leave

Rate of Earning –

- a. Permanent part-time employees shall earn vacation leave in the same manner as sick leave is earned, based on the full-time equivalent hours budgeted. The same limitations as stated in Section 5-1.11 apply to the earning of vacation leave.
- b. School Crossing Guards do not earn vacation leave.
- c. Communications personnel earn eight hours of leave per month, which is the equivalent earnings for vacation and holiday leave.

Holidays

- a. Holidays with Pay – Excluding Police personnel, permanent part-time employees shall receive full pay for the holidays in section 5-11, based on the leave earnings schedule in Section 5-1.11, provided that they worked during the month.
- b. Working on Holidays – Exempt non-classified employees eligible to receive pay for overtime work and required to work during the holidays listed shall be paid (or may earn compensatory leave) at a rate of one and one-half times their regular rate for all hours worked on a holiday, in addition to regular holiday pay if eligible, regardless of the number of hours worked that week. If the employee chooses to flex during the work week the time earned while working the holiday, the flex time shall be earned at one and one-half times (see Section 5-1.10 regarding Call to Work While on Leave).
- c. School Crossing Guards – Crossing guards shall work the schedule pertaining to the school to which they are assigned, and shall be paid for holidays observed by that school rather than those listed in Section 5-11.1. Crossing guards are not paid for the fall break but are paid up to five days for spring break and up to ten days for Christmas break, depending on the actual number of days the school is closed. They are paid for any day when school is closed due to snow/inclement weather.