



**CITY OF DAYTON  
EMPLOYEE HANDBOOK**

**2023 EDITION**

# NOTICE

*The City of Dayton Employee Handbook does not create any contractual or other legal rights. The personnel policies contained in this Handbook do not alter the City's at-will employment policy and they do not create an employment contract for any period of time. This Handbook may be added to, terminated, or changed at any time by the Mayor and City Council of the City of Dayton.*

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# Section 1

## Introduction

### About the City of Dayton Handbook

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

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

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

We believe:

- Kentucky cities play an essential role in shaping the future of the Commonwealth.
- Local decisions are best made at the local level.
- Exceptional services help our city function effectively and enhance the quality of life within the city.
- Building and cultivating relationships with other governments, businesses, and individuals furthers the mission of the City of Dayton.

We embrace:

- Customer service based on attentive listening and measured by timely and appropriate responses.
- Credibility built on a commitment to high ethical standards, accountability, competence, and non-partisanship.
- Teamwork and continuous learning that drives improvement and innovation.
- Caring and mutual respect that fosters a supportive working environment.

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

We are pleased you are part of the City of Dayton family and hope you view your employment as an opportunity to help advance our community and thereby making it an even better place for future generations.

# City Government and Organization

City governments in Kentucky operate under one of three models: mayor-council, commission, or city manager forms of government. The mayor-council form government, which is the one followed in Dayton, is the most prevalent of the three forms of government. More than one-half of Kentucky cities operated under this form of government.

The mayor-council plan operates much like any executive-legislative form of government, such as our state government. The city council -- as the legislative body of the city -- performs the legislative duties of the local government, such as enacting ordinances, levying taxes, and adopting a budget.

Under the mayor-council form of government, all of the city's executive and administrative authority is vested by state statute in the mayor, such as presiding at city council meetings, vetoing legislation, overseeing all personnel, and managing operations and daily affairs of the city. KRS 83A.130(3). The mayor also votes to break most ties in council meetings. The mayor also can hire a city administrator to assist him with these duties.

City council is expressly prohibited from performing any executive (or administrative) functions unless those functions have been assigned to it by statute. KRS 83A.130(11). This structure is very similar to the structure of state government, where the executive/administrative authority is vested in the Governor and the legislative authority is vested in the General Assembly.

A city council's legislative duties include the following:

- Establish, by ordinance, all appointed offices and the duties and responsibilities for those offices;
- Enact all codes, rules, and regulations for the general public health, safety, and welfare;
- Provide sufficient revenues to operate city government through the adoption of an annual budget ordinance and by levying all taxes and establishing all fees and charges for city services;
- Establish, by ordinance, the compensation to be paid to all elected and appointed officers and employees of the city.
- Approve the appointment of nonelected city officers.

## Effect, Amendment, and Application of Handbook Policies

- (1) This Handbook contains information about the City's employment policies and procedures and an overview of the City's benefits. For specific information about employee benefits, please refer to the plan documents themselves, which are controlling. The policies and procedures in this Handbook are guidelines only. The City reserves the right to interpret and administer the

provisions of this Handbook as needed. The provisions of this Handbook repeals and replaces all previously adopted policies and procedures governing employment with the City of Dayton.

- (2) Except for the policy of at-will employment, which can only be changed in writing by the Mayor, this Handbook and any of the policies and procedures contained herein are subject to change at the discretion of the City of Dayton. The City may amend or terminate any policy or procedure contained in this Handbook at any time, with or without notice. However, the City will endeavor to communicate any changes to all employees in a timely fashion.
- (3) Each employee should read and become familiar with the information contained in this Handbook. Failure to comply with the City's policies or procedures may result in discipline, up to and including termination.
- (4) The provisions in this Handbook are not intended to in any way create any contractual obligations with respect to your employment.
- (5) The Personnel Policies herein established shall, except where superseded by specific state or federal laws, or specifically stated herein, apply to all non-elected officers and employees (hereinafter called employees) of the City of Dayton only. They shall not apply to elected officials, members of boards or commissions, consultants, advisors, city attorney, or the city engineer. Some policies, as noted, will apply to volunteers, as well as temporary and seasonal employees.

## Employee Handbook

The City Clerk shall ensure that a current copy of the Employee Handbook is prepared and distributed to all new and current employees. All employees are expected to read and sign the *Certification of Receipt* within 30 days of employment or within 30 days of any amendment to the handbook. The City Clerk shall maintain a copy of the Certificate of Receipt in the employee personnel file and maintain this file pursuant to the Department of Libraries and Archives Record Retention Schedule.

## Administration of the City of Dayton Personnel System

- (1) The City of Dayton's policies are applied and enforced by the Mayor as the city's executive authority and by supervisory employees, which includes the city administrator, assistant city administrator, and department directors and managers. The City expects supervisory staff to foster a working environment where employees take the primary role in their own professional growth and development. Supervisory employees should provide continuous feedback to their employees regarding performance and should address any potential infractions of these policies with employees immediately.

- (2) To ensure fairness and consistency in all personnel matters, the City has designated the Mayor, with the assistance of the City Administrator and/or City Clerk, to be responsible for general oversight of the City's personnel system and for all centralized personnel matters such as the recruitment and selection of employees, revision of job descriptions, wage and salary schedules, administration of benefit programs, and maintenance of personnel records.
- (3) No department supervisory employee or other employee shall conduct any interview for potential employment or internship, make any offer of employment or internship, or make any modifications to the compensation or benefits of employees without notification to these individuals and compliance with the procedures established by the City. No supervisory employee or other employee shall alter, suspend, or fail to enforce or adhere to the policies contained in this Handbook.

## **Severability**

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

## Section 2

### Hiring and Employment

#### Employment-at-Will

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

#### Equal Opportunity Employer

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

#### Americans with Disabilities Act

- (1) The City will offer equal employment opportunities for qualified individuals who may have a physical or mental disability, but who can still perform the essential job functions with or without reasonable accommodations. The City will provide reasonable accommodations to individuals

qualifying under ADA only when that accommodation does not create an “undue hardship” to the City.

- (2) Any employee who believes he or she may need an accommodation to perform his or her job functions should notify his or her immediate supervisor. Because analysis under the ADA requires an open dialogue between the employee and the employer, the employee and the supervisor are encouraged to discuss the situation openly and involve the Mayor, City Administrator, or other city staff as appropriate.

## **Immigration Control and Reform Act**

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

## **Application and Advertisement of Vacant Positions**

- (1) When a vacancy occurs, current City employees may be notified of the vacancy by placing written notice(s) in strategic locations throughout City offices. Notices posted shall include position title, summary of duties, position qualifications and the time limit for applying. Employees who wish to apply for the position must present a completed employment application form to the City Clerk, thereby indicating interest in the vacant position. The Mayor may fill the vacancy by either promoting a current employee or employing a person from outside of the City of Dayton organization. When announcements of vacant position(s) are made outside of the organization, any of the following procedures may apply:

- a. The City's open application policy allows persons interested in employment with the City to complete an Employment Application form at any time regardless of whether the vacancy exists, indicating the position(s) applicable. Completed Employment Application Forms will be considered active for a period of one year unless otherwise stated by the Mayor.
- b. The City Clerk may advertise all vacant position(s) in local newspapers, online news blogs, and other sources of news and information in the community. All announcements shall include such information as where to apply, deadline for applications, pay range for the position, summary of the duties, and position qualifications. All written announcements of vacant position(s) shall also contain the following statement, "An Equal Opportunity Employer," as well as "Any applicant who needs an ADA accommodation in the employment selection process shall request the accommodation from the City Clerk."

## **Application for Position**

Employment Application Forms supplied by the City and completed by applicants shall include information about the applicants' training, experience, and additional information as required. Upon request, applicants shall be given a copy of the job description stating the duties of the position.

- (1) No person may be appointed to a position unless information on the official Employment Application form is verified, and he/she meets the qualifications for the position as set forth in the position description.
- (2) All Employment Application forms must be signed and dated by the applicant.

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

- (1) Vacancies may be filled by promotion from within the City. Employees may apply for the position by submitting a written request through their supervisor or the City Clerk. An employee may be promoted from one position to another only if the employee has the qualifications for the higher position. The same procedures as those authorized for ascertaining qualifications for initial appointment to a position shall be followed.
- (2) In the case where vacancies cannot be filled from within city service or from an eligibility list, temporary appointments may be made for a period not to exceed six months by the Mayor. In cases where the temporary appointment is to a nonelected office position, appointments are made by the Mayor with approval by the City Council.

- (3) Temporary appointments shall terminate as soon as a qualified candidate in accordance with the personnel hiring procedures can fill the position in question.
- (4) An employee may be demoted upon recommendation of a supervisor, with the approval of the Mayor. The provisions of KRS 15.520 and KRS 95.450 shall regulate demotions of employees in the Police Department. KRS 95.450 shall regulate the demotions of employees in the Fire Departments. All pertinent documentation of said demotion shall be entered into the employee's personnel file.

## Hiring and Selection

- (1) Appointment to a position within the City shall be made only after it has been determined the person being considered meets the qualifications set out in the current job description for which the appointment is made.
- (2) The policy shall apply to current employees who request a transfer or promotion to a vacant position as well as new applicants for employment or re-employment.
- (3) The qualification of an applicant for a position shall be ascertained based on one or more of the following:
  - a. Information the applicant supplies on the official Employment Application Form;
  - b. Written, performance, or physical tests or examination or any combination which may be required by the City;
  - c. Personal interview;
  - d. Information and evaluations supplied by references given by the applicant;
  - e. Prior to employment with the City, but ONLY after an offer of employment with the City, the prospective employee may be required to submit to and pass a pre-employment drug test.
  - f. Other appropriate information as determined.
- (4) All employees are appointed by the Mayor, except pursuant to KRS 83A.080; all nonelected city officers shall be appointed by the Mayor with the approval of the City Council. Nonelected officers include:
  - a. City Clerk
  - b. City Maintenance Manager
  - c. Chief of Police
  - d. Fire Chief
  - e. City Attorney

## Employment of Relatives

- (1) Generally, a relative of an employee will be eligible for employment with the City if no conflicts in supervision, safety, security, morale, or potential conflicts exist.



- (a) In the event a current employee becomes the relative of another current employee, the City will attempt, if practical, to separate the employees by assignment and supervision. After such separation, any effort by a relative to affect the terms and conditions of employment of his or her relative shall be considered improper. If the City determines that the separation would not be practical, it will review the employment records, assignments, and related matters pertaining to the employees to determine whether to exercise discretion to make an exception to this policy. Any such exception shall be understood to be a temporary accommodation of current employees and not a precedent for deviating from this policy. If, in the view of the City, a conflict exists which cannot be resolved, only one of the employees will be permitted to remain an employee of the City. The decision as to which relative will be allowed to remain will be made by the Mayor after consideration of the circumstances and consultation with the affected employees and their supervisors.
- (2) As used in this policy, the term “relative” means parent, grandparent, child, grandchild, spouse, siblings, spouses of siblings and children, and step relationships.
- (3) Nothing in the City’s Equal Opportunity Employment Policy established in Policy 1.03 of this Handbook shall be interpreted as preventing the reasonable regulation of nepotism for reasons of supervision, safety, security, or morale.

## Background and Reference Checks

- (1) It is the policy of the City of Dayton to perform pre-employment background checks pursuant to KRS Chapter 335B. The purpose of performing these checks is to determine and/or confirm, within appropriate legal and professional limits, the qualifications and suitability of a candidate for the particular employment position for which the candidate is being considered. Many of our employees' job duties involve working closely with other employees and/or the public, significant city-related driving, access to safety-sensitive and expensive tools and machinery, access to confidential information, or access to financial accounts. Therefore, criminal records may exclude candidates with certain criminal convictions that are determined to be job related, as discussed below. This policy will help ensure that employment related decisions utilizing pre-employment background checks are made in accordance with applicable law.
- (2) The City will perform pre-employment background checks on all candidates for employment once they have been offered the employment position. Review will be limited to information regarding only convictions that are determined to be job-related and consistent with business necessity, as discussed below. In addition, if an employee changes positions within the City, an additional criminal background check may be required.
- (3) The City requires that employees identify any arrests or criminal convictions and complete a self-disclosure form. The City will individually evaluate any arrest or criminal conviction disclosed by an employee prior to deciding as to that employee's suitability for continued employment.

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

- (15) Having a criminal history or conviction does not automatically preclude a candidate's eligibility for employment. To assist supervisors and the Mayor in reviewing criminal records, below is a list of convictions that MAY disqualify an applicant or employee from employment with the City:
- a. Crimes Involving Violence, Theft, or Drug Distribution/Trafficking: Certain crimes involving violence, theft, or drug distribution/trafficking have been determined to be job-related to all positions within the City. Disqualification of applicants, or dismissal of employees, with certain convictions, outlined below, is consistent with federal and state requirements, and the positions for which the City is hiring as explained in more detail below.
    - i Violent Crimes: The City has determined that felony convictions within the past seven (7) years for crimes involving violence *may* disqualify an applicant or employee because of workplace violence concerns, our desire to provide a safe workplace for employees and customers, and because many City employees have significant interaction with customers and/or co-workers on a day-to-day basis.
    - ii Theft or Property Related Crimes: The City has determined that felony convictions within the past seven (7) years for crimes involving theft, dishonesty, breach of trust, or destruction of property *may* disqualify an applicant or employee due to access to equipment and tools, inventory, proprietary information, and/or financial or confidential information.
    - iii Drug Distribution / Trafficking Crimes: The City has determined that felony convictions within the past seven (7) years for crimes involving drug distribution or trafficking *may* disqualify an applicant or employee due to the fact that these convictions also indicate a general disregard for federal, state, or local law and may demonstrate that the applicant or employee will not be able to follow directions from his/her supervisor or manager.
    - iv The City does not generally disqualify applicants or dismiss employees for drug possession or use convictions. This does not affect the application of its drug and alcohol policy.
  - b. Computer Crimes: Due to access to City confidential and proprietary information, customer information, financial information, and/or computer systems, the City has determined that felony convictions within the past seven (7) years for computer-related offenses are job-related for Management and Office Positions. Applicants or employees in these job categories who have been convicted of such computer crimes present an unacceptable risk to the City and *may* be disqualified, absent mitigating circumstances.
  - c. Driving Crimes: Potential applicants for jobs in which the job duties include significant amounts of unsupervised, City-related driving. Due to the nature of this job duty, and to reduce potential liability for the City, the City must review applicant and employee driving records. The City will comply with all federal, state, and local requirements

regarding motor vehicle record checks, including, but not limited to, obtaining consent from the applicant or employee prior to requesting the record and complying with federal and/or state FCRA requirements. Felony convictions within the past seven (7) years for vehicle-related offenses, including, but not limited to DUI and DWI, have been determined to be job-related and present an unacceptable risk to the City. Therefore, applicants and employees for positions that involve business-related driving who have been convicted of such offenses *may* be disqualified, absent mitigating circumstances.

- d. Individualized Assessment: Before any applicant or employee is disqualified based on his/her criminal history, the applicant or employee will be given an opportunity to provide individual information regarding the circumstances of that applicant or employee's criminal history. The City Clerk will request that the employee submit a written, signed statement regarding his or her criminal history. The Mayor and the supervisor will consider any and all information provided by each applicant or employee to determine whether the information provided sufficiently mitigates the circumstances of the disqualifying conviction pursuant to KRS Chapter 335B.
- (16) Credit checks are generally not part of the background check process and are not used to make hiring decisions. In certain positions, such as treasury functions and accounts payable/receivable, a credit check may be performed due to the nature of the responsibilities for such jobs, including access to City accounts and cash and the ability to be bonded. Each applicant or employee's credit history will be reviewed, in the context of all other available information regarding the applicant or employee, to determine whether the applicant or employee's credit history poses an unacceptable risk to the City. Such applicants or employees will be provided an opportunity to explain their credit history prior to a final determination.

## Medical Examinations

- (1) In reviewing applicants' qualifications for certain positions and ensuring that currently employed workers are fit and capable of performing the essential functions of their positions, the City of Dayton requires individuals to undergo physical examinations, which may include drug tests.
- (2) The general purpose of these examinations is to determine whether the individuals being tested are physically able to perform the essential functions of the job in question without creating a significant threat to the safety or wellbeing of themselves, other employees, or members of the public. All these examinations and tests are conducted on a nondiscriminatory basis and in conformance with the requirements of the Americans with Disabilities Act and other federal, state, and local laws guaranteeing fair treatment and equal employment opportunity to individuals with disabilities and members of other protected groups.
- (3) Applicants for certain positions are required to undergo a post-offer physical examination that evaluates their fitness and ability to perform the essential functions of the positions for which they are being considered. All conditional offers of employment extended to candidates who are asked to undergo a physical examination are contingent on satisfactory completion of this requirement within the scheduled time period.

- (4) In certain situations, the City of Dayton can require currently employed workers to undergo a physical examination that evaluates their fitness and ability to perform the essential functions of their position.
- (5) Firefighters, public works employees, and police officers may elect to receive a series of three Hepatitis Vaccine Inoculations. The initial inoculation will be included in applicants' pre-employment physical if they so desire. The pre-employment consent form advises applicants of the availability of this optional screening.

## Employee Bonding

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

## New Employee Orientation

- (1) An orientation shall be made available to all new employees as soon as possible after their first day of employment.
- (2) The orientation shall consist of the following elements;
  - a. Explanation of the purpose and goals of the City;
  - b. Overview of the City's history, structure, and operations;
  - c. Overview of management policies and procedures; and
  - d. Other elements deemed appropriate.
- (3) A copy of the Employee Handbook shall be made available to all employees. A Certificate of Receipt of the original Employee Handbook and any revisions thereof shall be required of all employees subject to these policies. The signed statement shall be maintained in the employee's personnel file and retained pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.
- (4) New hires will be introduced to all City department heads during their orientation as well as the Mayor of the City.
- (5) All new hires will be given a benefits package if they qualify. The City Clerk will cover with the employee the benefits package and give the employee a due date as to when the package must be turned in to qualify for the package. Failure to submit the package by the specified date may render the employee ineligible for some benefits.
- (6) The new employee's schedule and job description will be discussed. A job description will be signed and a copy given to the employee, and a signed copy placed in his or her personnel file.

- (7) The City Clerk will ensure that all required state and federal forms are filled out prior to the employee starting any physical work and placed in their personnel file. All required information will then be filed as required with the federal, state, and local governments.

## Introductory Period

- (1) New employees shall serve an introductory period of three months, with the exception of certified and uncertified police officers, for which the introductory period shall be 12 months.
- (2) Any employee who has served an introductory period and is promoted from within the city service to a new position shall be considered on an introductory period in the new position for three months, except for certified and uncertified police officers and firefighters which shall be six months.
- (3) While serving under the introductory period, any employee, who includes certified and uncertified police officers, may be dismissed by the Mayor at any time without right of appeal unless otherwise provided by law.
- (4) Full-time employees also are eligible to apply for available medical, dental, vision, and life-insurance plans beginning the first day of the month following the start of employment.
- (5) Any employee, which includes certified and uncertified police officers, who are serving an introductory period as a result of a promotion may, upon approval of the Mayor, be reinstated without right of appeal to:
  - (a) The position from which he/she was promoted if it is still vacant;
  - (b) A position comparable to the one from which he/she was promoted, and if that person meets the minimum qualifications of that position; or
  - (c) If no position is available, the person may be terminated from city employment.
- (6) The introductory period may be extended for employees including certified and uncertified police officers, still under the introductory period, or a class of positions, if it is deemed that a longer period is needed to learn the work and evaluate the effectiveness of the work performed.
- (7) Performance of employees, including certified and uncertified police officers, will be evaluated at least every third month during the introductory period of employment by the supervisor.
- (8) Completion of the introductory period in no way alters the at-will status of the employee including certified and uncertified police officers and firefighters.

# Job Descriptions

- (1) The City considers the job description prepared and maintained for every position as one of the most important documents in ensuring effective hiring practices and providing equal employment opportunity to all qualified individuals. The following procedures are designed to ensure the accuracy, completeness, timeliness, and fairness of the job descriptions.
- (2) Annually the City Clerk with the assistance of the supervisors will review the City's job descriptions to ensure that they are accurate, complete, and up to date.
- (3) Whenever possible, the supervisor should seek the input of the employee in reviewing the description's accuracy and completeness.
- (4) The job descriptions should contain information that accurately reflects each position's essential functions, duties, responsibilities, purpose, working conditions, and reporting relationships as well as the knowledge, skills, and abilities required of employees.

# Performance Evaluations

- (1) All employees occupying established positions shall be evaluated no later than April 1<sup>st</sup> of each year, on an evaluation form approved by the Mayor, except that employees shall be evaluated at least every third month during introductory or probationary periods.
- (2) The immediate supervisor, who shall review the evaluation with the employee being evaluated, shall conduct evaluations; any employee who disagrees with the evaluation may complete a written rebuttal within ten working days after the review, which shall be attached to the evaluation form.
- (3) The evaluation shall be based on job-related factors, as set out in the job description, and shall be used to inform employees of how well they are performing their assigned work and how they can improve performance. In addition, the evaluation may be used in determining the order of layoff, as a basis for training, promotion, demotion, transfer, or dismissal, and for other purposes as set forth in these policies and procedures.
- (4) The performance evaluation is intended to facilitate meaningful communication between an employee and his/her supervisor regarding the employee's work assignments, the supervisor's performance expectations, individual and departmental goals, and the employee/supervisor relationship. It is also intended to improve the employee's effectiveness and competency by identifying both strengths and possible areas for improvement. **It should not be construed as creating a contract or as guaranteeing employment for any specific duration.**
- (5) A copy of the evaluation shall be placed in the employee's personnel file and shall be maintained in accordance with the Department of Libraries and Archives record retention schedule.

# Personnel Records

- (1) The City Clerk shall maintain a personnel file for each City employee. All changes in the status of employees shall be recorded in these files, which shall be retained and maintained in accordance with applicable state and federal laws.
- (2) The file contains, at a minimum, the following:
  - a. Employee's name, permanent address, and current phone number;
  - b. Position title;
  - c. Completed application form;
  - d. Hiring date;
  - e. Departmental assignment;
  - f. Salary;
  - g. All changes in status as a City employee;
  - h. Whatever additional information these ordinances, other governing laws, or the City requires.
- (3) Information regarding the medical condition or history of an employee or application for employment shall be collected and maintained on separate forms and in separate confidential medical files subject to disclosure only as permitted by law.
- (4) All form I-9s shall also be kept in a separate file in alphabetical order.

# Change in Personal Information

- (1) It is the responsibility of each employee to promptly notify the City Clerk of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.
- (2) For necessary changes to be made without penalty, changes of marital status and dependents must be made within thirty (30) days of the qualifying event.

# Access to Personnel Files

- (1) The City Clerk maintains a personnel file on each employee. The personnel file includes employment-related information, such as the employee's job application, resume, documentation of performance appraisals and salary increases, and other employment records.



- (2) Personnel files are the property of the City. Access to an employee personnel file is strictly controlled and given only to authorized individuals, who have a legitimate reason to review information in a file.
- (3) Employees who wish to review their own file should contact the City Clerk.
- (4) With reasonable advance notice, employees may review their own personnel files in the presence of the City Clerk.

## **Job References**

- (1) All requests for job references and inquiries regarding an individual's employment with the City shall be forwarded to the City Clerk for appropriate response. The City Clerk will consult with the Mayor and may permit the employee receiving the request to respond, but the Mayor and/or city attorney shall review any response before it is finalized. This Section shall not prohibit an employee from being listed as a reference for an individual.
- (2) The City's policy on job references is to give bare minimum information – positions, salary beginning, and ending date

## **Record Retention**

The City shall maintain all city records pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.

## **Social Security Numbers and Privacy Protection**

- (1) This policy is adopted in accordance with KRS 61.931-61.934 and is applicable to all personal confidential information received and retained by the City regarding employment and within the regular course of City business.
- (2) The City will take measures reasonably necessary to ensure the confidentiality of social security numbers collected in the ordinary course of the City business. Neither the City nor any of its employees will unlawfully disclose the social security numbers obtained during the ordinary course of business.
- (3) Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it shall be protected from access by unauthorized individuals. Such information must be protected by

software that prevents unauthorized access. If personal information is transmitted via e-mail or other electronic means, it must be sent using appropriate encryption mechanisms.

- (4) The city shall designate a Point of Contact (“POC”) to serve the following functions:
  - a. Maintain the City’s adopted Information Security Policy and be familiar with its requirements;
  - b. Ensure the City’s employees and others with access to personal information are aware of and understand the Information Security Policy;
  - c. Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents;
  - d. Be responsible for ensuring compliance with the Information Security Policy; and
  - e. Be responsible for responding to any incidents.
- (5) Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.
- (6) The City may use a social security number to perform an administrative duty related to employment, for example, to verify the identity of an individual, detect or prevent identity theft, investigate a credit, criminal, or driving history, enforce legal rights or obligations, or administer insurance or benefits programs.
- (7) Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.
- (8) Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier’s software, by design or configuration, will not introduce any security exposures.
- (9) The level of protection afforded by security software should be commensurate with the sensitivity of the data. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.
- (10) Systems, networks, and application software used to process personal information must adhere to the highest level of protection reasonably practical. The City will use Intrusion Detection and Prevention software approved by the Commonwealth Office of Technology (COT). A list of approved software is available on the COT website (<https://gotsource.ky.gov/docushare/dsweb/Get/Document-301110/>). Or the software must provide comparable, or superior, protection.
- (11) Information stored on digital media shall be encrypted in accordance with contemporary standards.

- (12) This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of City business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the City indicating acceptance of the information and acknowledging his/her understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the City should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.
- (13) When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last 4 digits of the social security number).
- (14) The City will secure and, when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons.
- (15) Secure measures must be employed by the City and all permissive users to safeguard personal information contained on all City technology resources.
- (16) Cities shall ensure that all authorized personnel are familiar with and comply with this Policy. The City shall ensure that only authorized personnel may hold and have access to personal information.
- (17) Threats to the security of personal information arise in many ways. The City will try to be aware of the different types of threats and to enact reasonable measures to protect against each. Attacks on personal information may arise from:
  - a. External/Removable Media—an attack executed from removable media (e.g., flash drive, CD) or a peripheral device.
  - b. Attrition—An attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
  - c. Web—An attack executed from a website or web-based application.
  - d. Email—An attack executed via an email message or attachment.
  - e. Improper usage—Any incident resulting from violation of an organization’s acceptable usage policies by an authorized user, excluding the above categories.

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

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

## **Disciplinary Practices/Procedures**

- (1) The City seeks to encourage employees to change problem behavior rather than focusing on punitive measures as a solution. In some instances, these efforts may fail or may be an unsuitable response to an offense. In these instances, City supervisors may use the following disciplinary procedures, depending on the severity or frequency of the offense or problem behavior. Supervisors may use any of these disciplinary methods at any time, and this list does not require a progressive disciplinary methodology be used by supervisors.
- (a) Verbal warning or reprimand/coaching or counseling by a supervisor;

- (b) Written reprimand/counseling by a supervisor;
  - (c) Suspension with or without pay;
  - (d) Demotion and/or reduction in pay; or
  - (e) Termination of employment.
- (2) The supervisor shall notify City Clerk to initiate use of the disciplinary procedures in (c), (d), or (e) in Section 1 of this policy. The City Clerk shall be responsible for informing and involving the Mayor and legal staff.
- (3) Supervisors using the disciplinary procedures outlined in Section 1 of this policy shall:
- (a) Document any disciplinary session or conference conducted for the purposes of correcting behaviors that are in violation of the policies contained in this Handbook or are conducted with the intent to correct reoccurring issues related to employee performance; and
  - (b) Provide a copy of any written documentation related to the use of disciplinary procedures to the City Clerk for placement in the employee's personnel file.

## Suspension

- (1) After either a serious violation or repeated minor violations, the department supervisor shall:
- (a) Suspend the employee with pay until the Mayor reviews the violation, and/or
  - (b) Request in writing that the Mayor suspend the employee with or without pay. The request shall include the reason(s) for the suspension, along with details of previous disciplinary action regarding the employee.
- (3) The Mayor may suspend an employee with or without pay for any period up to and including four calendar weeks, depending upon the severity of the offense; however, a maximum time limit shall not apply when an employee is suspended with or without pay due to an investigation of an alleged offense.
- (3) The suspended employee shall be notified of the suspension in writing within five working days after the time of suspension. The notice shall include the reason(s) for and duration of the suspension (if known).
- (4) Employees suspended without pay for a period of one calendar month or more shall forfeit fringe benefits, including accrual of sick and vacation leave, and the city's contribution to any insurance benefits during the suspension.

- (5) If, after an investigation, the Mayor finds that the suspension was not warranted, the employee shall be reinstated to his or her position with back pay and benefits.

## **Termination of Employment**

- (1) The Mayor has the authority to appoint and remove all city employees, except as otherwise provided by statute, ordinance, or contract. Statutes that provide otherwise regarding the termination of employment include:
  - a. KRS. 95.450 and KRS 15.520, which state that the employment of any member of the police, who has completed the introductory period, may not be terminated for any reason other than inefficiency, misconduct, insubordination or a violation of law or the rules adopted by the City; and only after charges are preferred and a hearing conducted by the City in the manner prescribed by KRS. 95.450 and KRS 15.520.
  - b. As provided by KRS 83A.080, all nonelected officers shall be removed by the Mayor only after being given written reason(s) for the dismissal.
- (2) Employees also have the right to terminate their employment at any time and for any reason. The City asks that an employee provide a written notice at least two weeks prior to your intent to leave in to assist the City in the smooth transition of his or her job duties.
- (3) In the event of the termination of employment for any reason, an employee must return all property of the City, including uniforms, keys, credit cards, mobile phones, computer software and hardware, proprietary and confidential materials, reports, and any other City property that may be in his or her possession. This property must be returned prior to the last day of employment.
- (4) Where permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required to recover the costs of or protect its property.

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

- (1) The Mayor may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the City.
- (2) Consideration shall be given to both the seniority and merit of persons being considered for layoff.
- (3) Temporary, seasonal, and employees during an introductory period shall be laid off before full-time employees within class(es) affected by layoff.

- (4) The Mayor shall notify the employee(s) of the layoff in writing as soon as possible prior to the layoff. The notice shall explain the reason(s) for and duration of the layoff (if known), and a copy of the notice shall be placed in the employee's personnel folder.
- (5) An employee who has given satisfactory service and is laid off shall be eligible for reemployment in other positions, provided that he/she meets the qualifications for the position and that the position is vacant.

## Exit Interview

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

## Reinstatement

- (1) The Mayor *may* reemploy any former employee who has been laid off because of lack of work and/or funds within six months of the date of resignation or layoff.
- (2) The employment date of an employee who resigns or is laid off and is reinstated shall be the latest date of employment, for purposes of calculating benefits.



## **Section 3**

# **General Employment Policies and Rules**

## **Open Door Policy – Complaint Procedure**

- (1) At the City of Dayton, we encourage all employees/volunteers to meet with their immediate supervisors to discuss any employment issues or concerns they may have. If the complaint is against a supervisor, or if the employee/volunteer feels more comfortable, they may discuss the issue with another supervisor, Mayor, or City Council member.
- (2) The City is committed to maintaining this open-door policy, where honest discussion of employee/volunteer's concerns can take place in a safe and supportive environment.
- (3) Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that you believe is detrimental to you or to the city, you should bring your concern to the attention of a supervisor, Mayor, or City Council member.

## **Sexual and Nonsexual Harassment**

- (1) Sexual and nonsexual harassment of any kind is absolutely prohibited and will not be tolerated. Sexual and nonsexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, and illegal.
- (2) Sexual harassment on the job is employment discrimination within the meaning of Title VII of the federal Civil Rights Act of 1964 and KRS Chapter 344. In general, sexual harassment means any unwelcome or offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, either by a supervisor, fellow employee, or a person other than an employee who has contact with the City employees. Sexual harassment is unacceptable and is prohibited at work and in work-related settings, such as business trips, business-related meetings, conferences, and employee-related social events. Behavior that constitutes sexual harassment includes, but is not limited to:
  - (a) Deliberate, repeated, or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another employee.

- (b) Approval, recommendation of, or refusal to take any personnel action with respect to an employee or applicant because of:
    - 1. the employee's or applicant's rejection of sexual advances, demands, favors, or sexual activity; or
    - 2. The employee's or applicant's report of a sexual advance or demand for sexual activity.
  - (c) Explicit or implicit promises of preferential treatment regarding an individual's employment status in return for sexual favors or sexual activity.
  - (d) Exercise or attempted exercise of the power or authority of one's position to control, influence, or affect the career, salary, job, or other employment conditions of an employee or applicant in exchange for sexual favors.
  - (e) Repeated sexual jokes, flirtations, advances, or propositions.
  - (f) Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
  - (g) Leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting, or obscene comments or gestures.
  - (h) The display in the workplace of sexually suggestive objects, pictures or reading material.
- (3) Any conduct that is intimidating or hostile and interferes with an employee's work performance is prohibited and will not be tolerated. This includes harassment because of an individual's race, religion, color, national origin, sex, sexual orientation, age, disability, veteran, or family status, or because the employee is a smoker or nonsmoker.
- (4) Any employee who believes he or she has been subjected to sexual or nonsexual harassment should report the incident promptly to one of the following: his or her immediate supervisor, department director, the City Clerk, the city attorney, the Mayor, or any other supervisor with whom the employee feels comfortable discussing the matter. Employees are encouraged to make prompt reports of the incident to ensure timely response and for remedial measures to be implemented, if necessary. However, all reports of sexual and nonsexual harassment shall be reviewed and investigated regardless of when the alleged misconduct occurred.
- (a) All reports of sexual or nonsexual harassment shall be reduced to writing by the reporting employee or by the person receiving the report. Employees may use HR Form 10 for this purpose. The report shall be signed by the complaining employee. All reports will be kept confidential to the extent feasible and appropriate under the circumstances. The City Clerk shall inform the Mayor of the receipt of the complaint and the substantive contents of the complaint without disclosing the names of the parties involved.
  - (b) All reports of sexual and nonsexual harassment will be investigated promptly following the receipt of an incident report. The report will be investigated by one or more members of the management staff designated by the Mayor. The results of the investigation will be

communicated to the complainant and to the alleged offender. Any employee found to have engaged in misconduct constituting sexual or nonsexual harassment will be disciplined, up to and including dismissal. In addition, the City may take other steps in order to correct and prevent future incidents from occurring.

- (c) If the investigation results in a finding that any form of harassment has occurred in the City workplace, the City Clerk shall provide the Mayor with a copy of the written report and/or an update of the action taken by management as a result of the finding. The Mayor may recommend additional action. If the investigation results in a finding that harassment did not occur, the City Clerk shall communicate the findings to the Mayor and provide any additional information requested by the Mayor.
  - (d) As provided under the Whistleblower Protection Policy in Section 4 of this Handbook, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. If an employee suffers any discrimination or retaliation for making a report, the employee should immediately alert a member of management. Any person found to have discriminated or retaliated against an employee who makes a report shall be subject to disciplinary action, up to and including dismissal.
  - (e) Any complaint involving an elected city officer shall be submitted to the Ethics Board pursuant to the Reporting Code of Ethics Violations and Penalties in Section 4 of this Handbook. The Ethics Board shall determine the course of the investigation and the proper method to address the complaint.
- (5) The City recognizes that the question of whether a particular course of conduct constitutes sexual or nonsexual harassment requires a factual determination. The City recognizes also that false accusations of sexual or nonsexual harassment can have serious effects on innocent parties. If an investigation results in a finding that a person who has accused another of sexual or nonsexual harassment has maliciously or recklessly made a false accusation, the accuser will be subject to appropriate sanctions, including discharge.
- (6) Nothing in this policy should be construed as eliminating any employee's rights under Title VII of the Civil Rights Act of 1964, as amended, or under KRS Chapter 344 or as conferring enforceable legal rights beyond those existing under applicable law.

## Workplace Violence

- (1) The safety and security of all employees is of primary importance to the City. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals by anyone on City property or off City property while performing job duties related to the City will not be tolerated. Actions of this nature will lead to referral to appropriate law enforcement agencies for arrest and prosecution. City employees who exhibit this type of behavior will be disciplined or discharged. The City may take any necessary legal action to protect its employees.

- (2) Any person who makes threats, exhibits threatening behavior, or engages in violent acts on City premises shall be removed from the premises as quickly as safety permits and shall remain off City premises pending the outcome of an investigation. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts while in performance of his or her employment duties shall be immediately suspended, pending the outcome of an investigation of the incident. Following investigation, the City will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension, or termination of employment, and/or criminal prosecution of the person or persons involved.
- (3) All employees are responsible for notifying City management personnel of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed, that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on a City controlled site or is connected to City employment or City business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened. The City understands the sensitivity of the information requested and will respect the privacy of the reporting employee to the extent allowed by law. The City will endeavor to maintain the anonymity of a reporting party to the extent feasible for cooperation with appropriate law enforcement officials.

## **Workplace Safety**

- (1) The City's first priority is to maintain a safe working environment for its employees and the public. For the employee's protection, job-related injuries, accidents, or illnesses must be reported immediately in accordance with this City safety and accident policy.
- (2) Each department will consider the need for adopting safety practices, policies, or procedures warranted by the hazards department employees encounter. Department supervisors are encouraged to involve employees in this process.
- (3) A copy of such practices, policies, or procedures will be delivered and explained in detail. Each department employee shall then sign a receipt, which will be placed in the individual employee's personnel file, stating that they have read and understood these rules. Department supervisors shall also explain to their employees that a violation of these safety rules could lead to disciplinary action, up to and including termination of employment.
- (4) Every employee must be safety conscious and responsible for helping the City achieve the goal of providing a safe workplace.
- (5) Employees shall report any unsafe or hazardous condition to their supervisor immediately.
- (6) Supervisors shall report any unsafe or hazardous condition that has been reported to them or that the supervisor is aware of immediately to the Mayor.

- (7) Any employee or supervisor who does not report unsafe or hazardous conditions is subject to disciplinary action.
- (8) Employees are expected to use common sense and good judgment in their work habits and to follow safe work practices. Department supervisors shall ensure that safe work practices are utilized. Examples of safe work practices are as follows:
  - a. Using the proper safety equipment when performing a work assignment.
  - b. When working extended hours, see Hours of Operation policy within this Section.
  - c. Not operating equipment or machinery while using prescribed medication without a doctor's written approval.
  - d. Under no circumstances should an employee operate any type of machinery or equipment while under the influence of drugs or alcohol.
  - e. Operating only equipment or machinery for which training or orientation has been received.
  - f. Warning co-workers of unsafe conditions or practices.
  - g. Following all safety and operating rules posted on equipment and machinery.
  - h. Refraining from horseplay at all times.
  - i. Wearing safety belts when operating City-owned vehicles or private vehicles when on City business.
  - j. Following OSHA rules and guidelines. All employees are responsible for maintaining current knowledge of periodic rule/regulation changes made by the issuing state and federal safety agencies.
- (9) Periodic training will be arranged when appropriate in the judgment of the department supervisor. Employees will be required to participate in all required safety training programs offered by the City.

## Reporting Work-Related Accidents

- (1) Employees are required to immediately report any work-related accidents, illnesses, or injuries. The proper reporting of such matters is critical to ensure that an employee receives all benefits to which he or she is entitled under the Kentucky Workers' Compensation Act.
- (2) The proper reporting of work-related accidents, illnesses, or injuries is an important aspect of the City's safety program. The department supervisor as well as the City Clerk shall also be notified of all accidents involving City employees and/or City equipment as soon as possible but in no event later than the next workday.
- (3) Accidents involving City-owned vehicles or personal vehicles being operated for City business shall be reported to the Police Department for investigation.

# Drug and Alcohol-Free Workplace

- (1) The City is committed to protecting the safety, health, and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The City encourages employees to voluntarily seek help with drug and alcohol problems.
- (2) Any individual who conducts business for the City, is applying for a position, or is conducting business on the City's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to, managers, supervisors, full-time employees, part-time employees, volunteers, and seasonal applicants.
- (3) Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours and whenever conducting business for or representing the City.
- (4) It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, or intoxicants.
- (5) Any employee who is convicted of a criminal drug violation in the workplace must notify the City in writing within five calendar days of the conviction. The City will take appropriate action within 30 days of notification.
- (6) To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines, where applicable, and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.
- (7) All drug-testing information will be maintained in **separate** confidential files.
- (8) Each employee, as a condition of employment, will be required to participate in pre-employment, post-accident, reasonable suspicion, and return-to-duty testing upon selection or request of management. Some employees will be required to undergo random drug testing (only for federally regulated employees and safety-sensitive employees, such as police officers).
  - a. Random Testing
    - i. Employees in a High Safety Awareness Level (HSAL) position are required to participate in a statistically valid, unannounced random selection process, which will subject them to mandatory drug testing. Positions in which an employee is required to have a Commercial Driver's license (CDL) must be tested at a rate of

fifty percent (50%) for drugs annually to satisfy Department of Transportation (DOT) requirements. In addition, employees required to have a CDL license must be tested for alcohol at a rate of ten percent (10%) annually to satisfy DOT requirements. In the case of random testing for drug use, non-federally regulated HSAL positions will be tested for drugs at a rate of no more than twenty percent (20%). All employees in federally regulated HSAL positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated HSAL positions. All testing required under 49 CFR, Part 40 will be separate and apart from any other testing required under this policy. The City shall utilize a third party to conduct the random selection of HSAL employees, including employees with a CDL, to be tested. This random testing shall be unannounced and will take place throughout each calendar year. HSAL employees are selected by a third-party administrator using a statistically valid, random method of selection using specific employee codes. Because of the random nature of this testing process, HSAL employees may be selected for testing more than once or not at all. Once an employee is notified that he/she has been selected for testing, the employee must proceed immediately to the testing site of the City's choosing.

*NOTE: Employees in non-HSAL positions will not be included in the random selection pool. However, non-HSAL employees will be subject to testing upon reasonable suspicion of possible alcohol or drug use and may be subject to testing for other reasons listed in this policy. Procedures and protocols for reasonable suspicion, pre-hire, post-accident, and return-to-work testing as described in this policy will apply to these employees.*

b. Post-Accident

- i. Drug and alcohol testing will be conducted following an employee's involvement in an accident on or off the City's premises while on duty or in the course of employment for the City, which requires off-site medical attention to be administered to a person. An accident that does not require off-site medical attention be given to a person but which results in property damage of one thousand dollars (\$1,000.00) or more shall be deemed a "qualifying event" for post-accident testing. Drug and alcohol testing will be required of the employee(s) who were actively involved in the "qualifying event."
- ii. *Qualifying Event Exception:* Due to varying types of accident causes, all accidents categorized as a "qualifying event" may not require post-accident testing. Exceptions to the "qualifying event" for requiring post-accident drug and alcohol testing will include, but may not be limited to, the following types of accidents:
  1. Injuries whose onset is cumulative or gradual – such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.

2. Injuries where the employee can be completely discounted as the contributing factor (i.e., injuries were caused by a third party or some other uncontrollable force or event, i.e., weather, insects, toxic plants, etc.)
  3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during a physical fitness or training event in which the employee did everything within reason to avoid the injury accident, i.e., was performing training as instructed.
- iii. In each case, the Mayor or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's respective department head. The Mayor or his/her authorized designee shall coordinate all required tests with the appropriate medical facilities.
  - iv. An employee involved in an accident while on an out-of-town assignment shall notify his or her department supervisor or the supervisor's designee as soon as possible but no later than two hours after the accident occurred. The department supervisor shall notify the Mayor or his/her authorized designee to discuss possible drug/alcohol testing requirements.
  - v. Other Qualifying Event: The department supervisor or his/her designee may request controlled substance/alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which a safety violation occurs and resulted or could have resulted in death, serious bodily injury, or major property damage. The Mayor or his/her designee, along with the employee's supervisor, will be responsible for determining whether a safety violation has occurred. In each case, the Mayor or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's department head. If a post-accident-controlled substance/alcohol test is required, a confirmed positive test may result in the employee's immediate termination.
- c. Reasonable suspicion
- i. A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, obtained from specific objective facts and reasonable inferences drawn from those facts considering the experience, training, or education of the observer. The reasonable suspicion testing shall be based upon:
    1. Direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol while the employee is at work;
    2. Abnormal conduct, erratic behavior, or a significant deterioration in work performance while at work;
    3. A report of drug or alcohol use provided by a reliable and credible source;



4. Evidence that an individual has tampered with a drug or alcohol test during employment with the City;
  5. Information that an employee has caused, contributed to, or been involved in an accident while at work;
  6. Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on the City's premises or while operating the City's vehicles, machinery, or equipment.
- ii. The Mayor or his/her authorized designee shall be notified immediately of any indication of reasonable suspicion. Both the observing department supervisor and the Mayor or his/her representative (if available) will review the policies and procedures herein, and if necessary, make arrangements with a testing facility of the City's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If the Mayor or his/her representative is not available, the observing supervisor shall obtain the assistance of another City supervisor or other credible and reliable source and together they shall complete the *Reasonable Suspicion Checklist and Report* (HR Form 23), and forward it to the Mayor or his/her designee. If after completing the form, it is determined by the Mayor or his/her designee that there is, in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or his/her designee will notify the employee and accompany him/her to the testing site.
  - iii. When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing supervisor and/or designee shall remain at the testing site with the employee being tested until the collection process is completed. Any employee who is tested for reasonable suspicion shall be placed on leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the Mayor or his/her authorized designee may order a reasonable suspicion test.
- d. Return to Duty
- i. In all cases, it shall be at the discretion of the City as to whether to allow an employee who has violated any provision of this policy to continue in the City's employment. Because the use of illicit drugs is illegal, a positive test for non-prescribed controlled substances could result in the immediate termination of the employee testing positive. In the event that an employee who has tested positive for alcohol without a valid medical reason for a positive test, as confirmed by a Medical Review officer of the City's choosing, is allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work under the following circumstances:
    1. The employee may resume regular duties only after the employee tests negative in an alcohol test administered by a City-approved laboratory and can provide a release to return to work from an appropriate substance-abuse treatment facility

or confirmation of continued and on-going participation in a City-recognized alcohol-abuse assistance program.

2. The employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed 45 days. Any repeat occurrence of the substance-abuse policy or violation of any other aspect of the City's Drug-Free Workplace Policy will result in immediate termination.
    - ii. Prior to returning to work, the employee shall be required to meet with the Mayor or City Clerk and supervisor to receive an explanation of the terms of continued employment; and to sign a written treatment plan/return-to-work agreement that details the terms under which the employee will be allowed to return to work. Such agreement shall stipulate that the employee, at the City's request, may be required at any time to submit to interviews and/or evaluation by the professional staff at an appropriate chemical-dependency treatment facility. The return-to-work agreement will also stipulate that the employee may be required to submit to unannounced controlled substance and/or alcohol testing for up to 12 months after resuming duties.
- (9) The substances that will be tested for are Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone, and Propoxyphene.
  - (10) Testing for the presence of alcohol will be conducted by analysis of breath and/or blood. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.
  - (11) Any employee who tests positive will be immediately removed from duty and required to pass a Return-to-Duty test and sign a Return-to-Work Agreement.
  - (12) An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test.
  - (13) One of the goals of our drug-free workplace program is to encourage employees with alcohol and/or drug problems to voluntarily seek help. If, however, an individual violates the policy, the consequences are serious.
  - (14) If an employee violates the policy, he/she may be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee who enters rehabilitation and fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.
  - (15) Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

- (16) The City recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:
- (a) Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
  - (b) Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- (17) Treatment for alcoholism and/or other drug-use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.
- (18) All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.
- (19) A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.
- (20) In addition, employees are encouraged to:
- (a) Be concerned about working in a safe environment.
  - (b) Support fellow workers in seeking help.
  - (c) Report dangerous behavior to their supervisor.
- (21) It is the supervisor's responsibility to:
- (a) Inform employees of the drug-free workplace policy.
  - (b) Observe employee performance.
  - (c) Investigate reports of dangerous practices.
  - (d) Document negative changes and problems in performance.
  - (e) Counsel employees as to expected performance improvement.
  - (f) Clearly state consequences of policy violations.
- (22) Communicating the City's drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:
- (a) All employees will receive a written copy of the policy upon hiring and upon any amendments to the policy.
  - (b) Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

## Fraternization

While the city encourages amicable relationships between employees, it recognizes that involvement in romantic relationships may compromise or create a perception that compromises an employees' ability to perform their jobs. Any involvement of a romantic nature between employees of the same department is prohibited. Violation of this policy will lead to corrective action, up to, and including, termination of the individuals involved.

## Media Communications

- (1) MEDIA REQUESTS: The Mayor serves as the chief media spokesperson for the City. All media requests shall be directed to the Mayor, who is responsible for determining the City staff person most appropriate to make a response to the inquiry. Under certain circumstances, staff members may be directed to respond to the media request when matters touch upon their special areas of expertise. Any employee directly contacted or approached by the news media for comments on issues related to the City shall contact the Mayor prior to making a response.
- (2) NEWS RELEASES AND MEDIA ADVISORIES: To ensure quality and appropriate formatting, all City communications shall originate from the Mayor or the City Administrator. The Mayor or the City Administrator will work with City staff and members on releases pertaining to "breaking news," as needed.
- (3) PUBLICATIONS: To ensure quality and consistent branding, all City publications shall originate or be approved by the Mayor or the City Administrator or their designees.
- (4) GENERAL MARKETING: The City Administrator or his or her designee will consult with all departments on overall promotion, marketing, and communications strategies for the City to ensure that work is targeted, timely, and non-duplicative.

## Hours of Operation and Work Schedules

- (1) Normal office hours are Monday through Friday, 9 a.m. until 5 p.m. Office hours may be modified due to evening meetings and other similar functions, or when weather or other circumstances require.
- (2) The work schedule of the individual employee will be established by the employee's department director or immediate supervisor in a manner that is consistent with the needs of the City. The work schedule may be modified on a temporary basis when necessitated by workload or other work-related factors. A supervisor who establishes a permanent work schedule for an employee that deviates significantly from the normal office hours shall provide notification and details regarding the modified work schedule to the City Clerk. The City Clerk will then notify the Mayor.
- (3) According to the Occupational Safety and Health (OSH) guidelines, where extended work shifts are "unavoidable," employers should "make efforts, whenever feasible," to give affected workers time

for rest and recovery, including extra breaks for extended shifts of more than eight hours. The City expects employees to work eight-hour shifts; however, in severe emergencies, such as snow removal or water main breaks, employees sometimes must work in excess of eight-hour shifts. Because of safety concerns, no operator shall work more than a 16-hour shift in any 24-hour period. Operators should take a 15-minute break every two hours with a half-hour meal break after four hours. Department supervisors should use good judgment in allowing employees to be off after an extended work shift due to emergency situations. If the department supervisor has a question on how to handle an extended work shift due to emergency situations, they should contact the commissioner(s) over their department.

## Tardiness

All employees are expected to arrive at their designated workspace prior to the beginning time of their work shift. An employee who arrives after the appointed time is considered tardy. Employees tardy up to two times or less within a 30-day period should be counseled by their department supervisor. Employees tardy more than two times within a 30-day period will be subject to the disciplinary policy.

## Inclement Weather

- (1) Emergency closings will be authorized by the Mayor. When changes in hours of operations are necessary due to emergency situations, such as inclement weather or loss of utilities, the City Clerk or other appointed person will notify supervisors. Supervisors will notify their employees.
- (2) If the City system remains closed for an entire day because of an emergency, all employees scheduled to work that day will be paid for the number of hours they were scheduled to work including any applicable shift differential. If an emergency closing occurs during hours the City is open, employees will be paid for any remaining hours scheduled including any applicable shift differential.
- (3) If the City opens late due to an emergency, scheduled staff who report to work will receive credit for regular scheduled hours for that day, including any applicable shift differential.
- (4) When the City is open, but extreme weather conditions make it impossible for an employee to arrive at the regular time, reasonable allowances for lateness can be made. If the employee cannot report for work within a reasonable time, he or she must charge the day to vacation or leave without pay equal to their regular work schedule for that day. The supervisor should be notified as soon as possible.
- (5) The City Clerk will notify the public and will post closing signs in the event the City opens late or closes early.

# Standards of Performance and Conduct

- (1) Each employee is a representative of the City, both internally with coworkers and externally with citizens, contractors, business associates, affiliates, and others. As a representative of the City, each employee is expected to act professionally, honestly, ethically, courteously, and with integrity in all business transactions and interpersonal interactions while at work or in any activity performed on behalf of the City.
  
- (2) The City expects all employees to conduct themselves in a professional, mature, and lawful manner. Employees must comply with established rules, regulations, policies, procedures, and directives. The failure to do so will ultimately result in disciplinary action. To avoid misunderstandings about the types of conduct that must be avoided, a non-exhaustive list of specific infractions is provided below purely for informational purposes and as a general guide for employees:
  - (a) Unexcused tardiness;
  - (b) Unexcused and excessive absenteeism;
  - (c) Failure to perform an assigned task, to meet a deadline, or otherwise follow an instruction or directive;
  - (d) Insubordination or willful refusal to follow instructions, rules, regulations, policies, or to accept assignments;
  - (e) Misuse of leave time;
  - (f) Intentional or unintentional violations of the policies and procedures in this Handbook;
  - (g) Discourteous behavior toward the public or other employees;
  - (h) Theft or embezzlement of the City property or assets;
  - (i) Use, possession, sale, or transfer of illegal drugs, or being under the influence of illegal drugs in any manner that may impair the employee's ability to perform assigned duties or that may adversely affect the City's business or reputation;
  - (j) Personal behavior, whether on or off-duty, which is of embarrassment to the City and likely to damage the public reputation of the organization, or which is injurious to the interests of fellow employees;
  - (k) Falsification of records;
  - (l) Invasion of another employee's privacy;
  - (m) Assault or fighting;

- (n) Conviction of a serious criminal offense which jeopardizes or is injurious to the City's property and security, its public reputation, or the interests of other employees, or which is incompatible with the faithful discharge of duties and responsibilities;
- (o) Sexual or nonsexual harassment; or
- (p) Horseplay or pranks that threaten the safety and security of the workplace or are offensive to other employees.

## Dress Code and Hygiene

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

### **Appropriate**

Collared shirts

Knit shirts

Blouses

Sports jackets

Silk T-shirts

Sweaters

Dress slacks

Skirts

Pants/capri suits

Dress khakis

Dress chinos

Dress corduroys

Dress capris

### **Inappropriate**

T-shirts (unless permitted for certain Jobs)

Sweatshirts

Sweatpants

Wind pants or other athletic apparel

Tank tops

Halter tops

Extremely short skirts

Tube tops

Low-cut necklines

Leggings

Flip-flops

Beach-type sandals

Bare feet/sock feet

- (4) For all employees, professional appearance also means that the organization expects you to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well-trimmed. All tattoos must be small in size or covered at all times and may not be offensive in nature.
- (5) An employee may be granted an exception to this policy by his or her department director or the Mayor for certain medical conditions.
- (6) An employee wearing inappropriate attire will be required to leave work to change into appropriate attire. An employee will not be compensated for the time he or she is away from work to change into appropriate attire, and must use vacation, personal, or comp time for the time spent away from work.
- (7) To promote safety for our employees when traveling conditions are hazardous, the City of Dayton has instituted an "Inclement Weather Dress Code." This dress code will be in effect on days when city/county schools have delayed or cancelled classes due to inclement weather for that day. Employees may wear casual clothing, such as jeans, sweaters, flannel shirts, so long as clothing is in good taste and is free from holes and cuts. Footwear that is appropriate for the conditions that are flat and have high traction soles should be worn. Examples include hiking boots, snow boots, trail runners, or running shoes. No high heels or leather dress shoes should be worn. If a meeting was previously scheduled that requires different attire, shoes with heels or slick leather soles are to be carried into the office and changed into once inside.
- (8) An employee with questions regarding this policy should direct his or her inquiries to the City Clerk.

## **Outside Employment for Employees other than Police Officers**

- (1) Outside employment is defined as any paid employment performed by an employee in addition to employment with the city.
- (2) Any employee shall not undertake outside employment if that employment:
  - a. Interferes with the performance of the employee's duties;
  - b. Involves a conflict of interest or conflict with the employee's duties;
  - c. Involve the performance of duties which the employee should perform as a part of employment with the city; or
  - d. Occurs during the employee's regular or assigned working hours unless the employee is on annual leave, compensatory leave, or leave without pay.
- (3) The employee shall plan with the outside employer to be relieved of duties in the event the employee is called for emergency service by the city.



# Outside Employment for Police Officers

- (1) The purpose of this policy is to establish guidelines governing Extra-Duty Details and Outside Employment by employees of this Department.
- (2) It is the policy of this Department to allow employees the opportunity to perform extra duty details within the scope of their job classifications and to allow them to engage in outside employment that does not conflict with their official duties.
- (3) Definitions:
  - a. **Extra-Duty Details:** Performance of law-enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise that has made application and been approved for a permit by the City to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the Department.
  - b. **Outside Employment:** Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law-enforcement service to the employer and is not performed during assigned hours of duty.
- (4) Performance of law-enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise that has made application and been approved for a permit by the City to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the Department.
- (5) The Department, subject to the approval of the Mayor, will establish a permit-application process that will ensure compliance with all elements of this policy concerning Extra-Duty Details. The permit application must be approved by the Mayor prior to members of this Department accepting a detail. The application process will include the following:
  - a. Permit Process:
    1. A fee schedule that will specify the hourly rate charged to the permit holder, administrative fee, use of equipment, additional insurance, and the officer's pay rate.
    2. The number of officers required to safely handle the detail.
    3. All fees paid in connection with Extra-Duty Details will be paid directly to this agency and the agency will compensate the officers/deputies in accordance with the agreed-upon hourly rate.
  - b. Officers shall comply with all departmental regulations concerning uniform standards and personal appearance during any Extra-Duty Detail.
  - c. The Department will assign a supervisor to coordinate the Extra-Duty Detail program. The supervisor will ensure that all officers interested in working are provided an equal opportunity for assignment via a rotating list or other mechanism to ensure fairness in the assignments.
  - d. Officers shall not accept direct compensation from an establishment or organization to work any Extra-Duty Detail.

- e. The following are limitations upon Extra-Duty Details that should not be approved:
    1. Officers are not permitted to work more than 24 additional hours per week unless approved in writing by their supervisor.
    2. Officers shall not be eligible for off-duty work while on sick leave or within eight hours of a sick leave.
    3. Officers who have received an unsatisfactory evaluation in the previous rating period are not eligible for assignment.
    4. Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
    5. Officers who have not completed the FTO program are not eligible for assignment.
  - f. Permits will not be issued for the following types of details:
    1. Establishments where alcohol is served.
    2. Private clubs requiring bouncers or related duties.
    3. Private security agencies or private investigation agencies where it is determined that such employment may create a conflict of interest.
    4. Bodyguard or escort services for transporting merchandise where it is determined that such employment may create a conflict of interest.
    5. Adult entertainment establishments.
    6. Any use of Departmental personnel that is not in the best interest of the Department.
    7. Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law-enforcement service to the employer and is not performed during assigned hours of duty.
- (6) The Police Department create a form for off-duty employment requests that will, at a minimum, contain the following information:
- a. Description of the type of work to be performed and information concerning the potential employer.
  - b. Maximum number of hours per week an employee will engage in the outside employment (no more than 24 hours will be allowed).
  - c. Statement indicating that no aspect of the employment could be considered questionable in nature due to factors, such as placement in compromising situations, use of police powers, or the potential to bring discredit to the Department.
- (7) Approval to engage in any law enforcement-related outside employment will be submitted through the employee's chain of command and require final approval by the department supervisor, the Police Chief, and the Mayor. Permission can be withdrawn at any time.
- (8) An officer who has obtained written approval for outside employment must re-submit application for re-approval on an annual basis.

# Uniforms

- (1) The annual budget process shall determine the uniform policy of the city.
- (2) All employees who are authorized to wear uniforms provided by the city shall wear the uniforms during all working hours. Uniforms provided by the city shall be worn only to and from work and while at work.
- (3) If the city provides “everyday apparel” in lieu of uniforms (i.e., blue jeans, civilian clothing for sworn police personnel, etc.), the actual allowance or cost of apparel shall be considered taxable benefits and credited with additional income for the amount of the expenses for tax purposes for each pay period.
- (4) Employees eligible for safety (steel-toed) shoes shall wear the shoes at all hours while at work. Safety (steel-toed) shoes shall not be considered taxable benefits.

# Use of Office Telephone

The office telephone system is provided and paid for by the City to facilitate the conduct of its business. Extensive use of the telephone system for the personal business of employees interferes with the efficient and effective conduct of the City’s business. While the City understands that employees must occasionally make and accept personal calls during work hours, personal calls should be kept to a minimum, both in terms of the number of personal calls per day and the duration of individual calls. In addition, if personal long-distance telephone calls are made on more than an occasional basis, an employee will be expected to reimburse the City for the cost of such calls. Excessive use of the office telephone system for personal calls during work hours may result in disciplinary action.

# Vehicle Use

- (1) The operation of vehicles is necessary in conducting much of the City’s business. This policy establishes requirements governing the operation of City owned, leased, or rented vehicles and the operation of personal vehicles while conducting business on behalf of the City.
- (2) Employees operating the City-owned, leased, or rented vehicles and employees who are performing employment functions on behalf of the City in a privately owned vehicles must meet the following requirements:
  - (a) The employee shall hold a valid driver’s license;
  - (b) The employee shall not operate a City vehicle or use a privately owned vehicle in conducting business on behalf of the City while the employee’s license is under revocation or suspension; and

- (3) When an employee is operating a City vehicle or is operating a privately owned vehicle in the scope of their employment in conducting City business, the employee is required to adhere to the following requirements:
  - (a) The employee shall obey all city, county, state, and federal laws and regulations;
  - (b) The employee shall not operate a motor vehicle while under the influence of alcohol or while being under the influence of illegal or controlled substances;
  - (c) The employee shall not leave the vehicle unattended without first stopping the motor, locking the ignition, removing the key, and locking the doors;
  - (d) The employee shall wear safety belts at all times;
  - (e) The employee shall have on his or her possession a valid driver's license at all times he or she is operating a City vehicle or is using a privately owned vehicle in the performance of City business; and
  - (f) No employee shall operate a vehicle while normal vision is obstructed.
- (4) Any employee who receives a citation or towing charge while operating a City vehicle shall notify the City Clerk, in writing, within 48 hours of receipt of the citation or towing charge. In addition, an employee who operates a City motor vehicle is required to notify the City Clerk, in writing, within 48 hours, of any motor vehicle violation conviction entered against the employee that involves driving while under the influence, or which has resulted, or may result, in the suspension or revocation of the employee's motor vehicle license.
- (5) If the operation of a City vehicle is a condition of employment, and an employee is unable to operate a motor vehicle due to the suspension or revocation of the employee's license, the employee must, at his or her own expense, arrange for and provide transportation so the employee is able to continue to fulfill the employee's job requirements.

## Assigned City Vehicles

- (1) When economically feasible and in the best interest of the City, employees may be assigned a City vehicle that they will keep and maintain for business use during the time of assignment. A full-time employee with a position that requires business driving and who holds a valid driver's license and has a good driving record, as determined by the Mayor, may be eligible for the assignment of a City vehicle under any of the following conditions:
  - (a) The employee's position requires City travel and the assignment of a city car will provide economic benefit to the City as determined by a benefit/cost analysis by the Mayor.
    1. An employee must qualify for assignment of a City vehicle.

2. In the event the position is newly created or the incumbent is newly employed in the position, the Mayor will estimate the amount of travel required during the first six months of such employment to determine if the employee initially qualifies for assignment of a City vehicle.
  - (b) The employee's position requires the employee to be on-call and available to the City.
  - (c) An employee shall not use a City vehicle for non-City business reasons
  - (d) An assigned vehicle shall be turned in no later than the last day of employment. A terminated employee shall not continue use of the car under any circumstances.
- (3) In operating an assigned City vehicle:
  - (a) The employee shall not permit or give permission for any person to drive the City vehicle. Violation of this provision will subject the employee to disciplinary action.
  - (b) The employee shall follow the vehicle use policy as set forth in Section 5 of this Handbook.
  - (c) The employee shall report vehicle accidents in accordance with Section 5 of this Handbook.
- (4) Vehicles in the City's car fleet will be replaced at the City's discretion. In addition, the City may, at its discretion, revoke a vehicle assignment at any time or otherwise change the position or work requirements of the employee.

## **Distracted Driving**

- (1) Employees shall not use cellular telephones or any other mobile electronic devices while operating a motor vehicle. This includes but is not limited to answering or making phone calls, engaging in phone conversations, reading, or responding to e-mails and text messages, adjusting a Global Positioning System, or accessing the internet. This policy is in effect while operating a city owned vehicle or operating a privately owned vehicle while conducting City business.
- (2) Furthermore, employees are required to:
  - (a) Pull over to a safe place and put vehicle in "Park" if a call must be made or received while on the road.
  - (b) Inform clients, associates, and others of this policy and an explanation on why calls may not be returned immediately.
  - (c) Pull over to a safe place and put the vehicle in "Park" to adjust a Global Positioning System or other navigational device or make or answer phone calls.

# Vehicle Accident Reporting Requirements

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

# Information Technology Acceptable-Use Policy

- (1) The City's electronic resources are provided for the transaction of the official City business. This policy is intended to establish rules applicable to all City personnel to ensure that the City's electronic resources are appropriately utilized and protected.
- (2) All data stored on media owned by the City is the property of the City. To properly maintain and manage this data, the management may exercise at any time its right to inspect, record, and/or remove any or all information contained in computer databases, files, and email records, and to take appropriate action should unauthorized or improper usage be discovered. Such inspection, recording, or removing shall be done based on organizational needs, which include, but are not limited to, a determination that reasonable cause exists for belief that these policies or other applicable directives are being violated.
- (3) All employees who use computer equipment and software in the performance of their duties shall take all reasonable and necessary precautions to prevent damage to the equipment and software. To ensure the integrity of the City's computer system and software, all employees are prohibited from connecting any hardware or loading any software onto the system, or any individual

component of the system, unless the hardware or software has been specifically approved in advance by the City Administrator and/or Mayor.

- (4) Access to the data stored on the City's computer systems shall be limited to City employees who require such access for the performance of their assigned duties.
- (5) No employee shall make copies of data or software programs owned by the City for his or her own personal use, or for any purpose not required by the employee's assigned duties. In the event that a software licensing agreement authorizes the reproduction of software and an employee desires to obtain a copy of the software for installation on a single home computer to assist the employee in the performance of assigned duties outside of regular office hours, the employee shall seek specific approval from the City Administrator and/or Mayor before copying the software.
- (6) Employees should have no expectation of privacy associated with information they transmit through or store in electronic mail programs owned by the City. All messages and data processed electronically over the City-owned computers and communications systems are the property of the City.
- (7) To maintain the integrity and security of the City computer resources, employees are strictly prohibited from downloading any software, unless prior approval is granted by the employee's supervisor after consultation with the City Administrator and/or Mayor. Excessive use of the Internet for personal reasons during work hours may be grounds for disciplinary action.
- (8) Internet usage is intended for job-related activities; however, incidental, and occasional brief personal use is permitted within reasonable limits.
- (9) All Internet data that is composed, transmitted, or received via the City's computer communications systems is part of the official records of the city, and as such, this data is subject to disclosure to law enforcement official and/or Open Records requests. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.
- (10) The equipment, services, and technology provided to access the Internet always remain the property of the City. As such, the City reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.
- (11) The electronic mail and other information systems, including facsimile machines of the city, are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
- (12) There is to be no display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, sexual orientation, age, disability, or religious or political beliefs.

# City Social Media

- (1) The City may utilize social media and social network sites to communicate with citizens.
- (2) The intended purpose behind establishing the City's social media sites is to disseminate information from the City and to encourage discussion about city issues, operations, and services by providing members of the public the opportunity to participate in many ways by using the Internet.
- (3) For purposes of this policy, "social media" is understood to be content created by individuals, using the Internet. Examples of social media include Facebook, blogs, Instagram, RSS, YouTube, Twitter, LinkedIn, and Flickr.
- (4) For purposes of this policy, "comments" include information, articles, pictures, videos, or any other form of communicative content posted on the City's social media site.
- (5) The establishment and/or use by any City department of the City's social media sites are subject to approval by the Mayor, or his/her designee.
- (6) City social media sites should clearly state they are maintained by the City and that they follow the City's Social Media Policy. All social media sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- (7) The site should adhere to all applicable state, federal, and local laws, regulations, and policies, including City information-technology and records-management policies.
- (8) The designated coordinator of the social media site will monitor content on the social media site to ensure adherence to both the City's Social Media Policy and the interest and goals of the City. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the designated coordinator for a reasonable time, including the time, date, and identity of the poster, when available.
- (9) The City's website (daytonky.com) is and will remain the City's primary and predominant Internet presence. All City social media sites shall clearly indicate they are maintained by the City and shall have the government's contact information prominently displayed. Whenever possible, the city's social media sites should link back to the City's official website for forms, documents, online services, and other information necessary to conduct business with the City.



- (10) All social-networking coordinators shall be trained regarding the terms of the Social Media Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy. When possible, the City's IT security policies shall apply to all social networking sites and articles.
- (11) Employees representing the City via the City's social media sites must always conduct themselves as a representative of the City and in accordance with all City policies.
- (12) In regard to comments placed on a City social-media site, the following guidelines are in force:
- a. As a public entity, the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.
  - b. The City's social-media sites prohibit the posting of content and/or comments containing any of the following:
    1. Comments not topically related to the particular site or blog article being commented upon;
    2. Profane language or content;
    3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
    4. Sexual content or links to sexual content;
    5. Solicitations of commerce;
    6. Conduct or encouragement of illegal activity;
    7. Information that may tend to compromise the safety or security of the public; or
    8. Content that violates a legal ownership interest of any other party.
  - c. The City reserves the right to deny access to City's social-media sites for any individual who violates the City's Social Media Policy, at any time and without prior notice.
  - d. Departments within the City shall monitor their social-media sites for comments requesting responses from the City and for comments in violation of this policy.
  - e. When a City employee responds to a comment in his/her capacity as a City employee, the employee's name and title shall be made available, and the employee shall not share personal information about him/herself, or other city employees.
  - f. All comments posted to any City Facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at <https://www.facebook.com/legal/terms>, and the City reserves the right to report any violation of Facebook's Statement of Rights and

Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.

## Employee Guidelines for Participating in Social Networking

- (1) The City understands that social networking and Internet services have become a common form of communication in the workplace and among citizens. Employees who choose to participate in social networks as a City employee should adhere to the following guidelines:
- (2) City policies, rules, regulations, and standards of conduct apply to employees who engage in social-networking activities while conducting City business. Use of your City email address and communicating in your official capacity will constitute conducting City business.
- (3) City employees shall notify the City Administrator if they intend to create a social-networking site or service to conduct city business.
- (4) Departments have the option of allowing employees to participate in existing social-networking sites as part of their job duties. Department supervisors may allow or disallow employee participation in any social networking activities in their departments.
- (5) Protect your privacy and the privacy of citizens by following all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential City information.
- (6) Follow all copyright laws, public records laws, retention laws, fair use, and financial disclosure laws and any other laws that might apply to the City or your department.
- (7) Do not cite vendors, suppliers, clients, citizens, co-workers, or other stakeholders without their approval.
- (8) Make it clear that you are speaking for yourself and not on behalf of the City. If you publish content on any website outside of the City and it has something to do with the work you do or subjects associated with the City, use a disclaimer such as: “The postings on this site are my own and don’t necessarily represent the City of Dayton’s positions or opinions.”
- (9) Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City’s workplace. Avoid comments or topics that may be considered objectionable or inflammatory.

- (10) If you identify yourself as a City employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens, and stakeholders.
- (11) Frame any comments or opposing views in a positive manner. Add value to the City through your interaction by providing worthwhile information and perspective.

## Employee Privacy Expectations

- (1) Notwithstanding issues addressed specifically in other provisions of this Handbook, employees can expect a reasonable degree of privacy regarding the contents found in their work areas, including desks, files, closets, computers, and similar locations. However, when an employee is absent or otherwise unavailable, the City may seek out, for a legitimate business purpose, material believed to be contained in those work areas.
- (2) Supervisors may examine work area contents or listen to employee communications of their subordinate employees for the purpose of ascertaining or evaluating the quality and/or quantity of an employee's work.
- (3) The contents of work areas may be subject to search where there is a reasonable cause to believe a violation of these policies or evidence of a violation of any local, state, or federal law has occurred. Searches of work areas for this reason may only be conducted with the consent and involvement of the City Administrator or Mayor.

## Customer Relations

- (1) The City requires its employees to provide excellent customer service to the public and to their co-workers. The same quality service is provided to all customers regardless of age, race, nationality, socio-economic and educational background, physical condition, etc. The City's success and long-range plans are built on this commitment to provide excellent customer service by:
  - a. Revising policies to value and support customer-service efforts;
  - b. Creating staff customer-service training;
  - c. Establishing plans for promoting customer communication; and
  - d. Developing ways of measuring customer satisfaction.

## Open Records Policy

KRS 61.870 to KRS 61.884, the Kentucky Open Records Act, establishes a right of access to public records. The General Assembly recognized that the free and open examination of public records is in the public interest. All public records, whether they are stored in a computer or on paper, must be open for inspection unless the records satisfy one or more of the exemptions found in the Act. You may inspect any nonexempt public record regardless of your identity.

# Suggestion System

- (1) Employees are encouraged to submit suggestions that could allow the city to operate more efficiently and effectively.
- (2) Information or notification of safety concerns or imminent hazards to employees or to the public should be reported directly to the supervisor responsible for the location or the work process. Anonymity cannot be guaranteed.
- (3) Suggestions should be submitted to the City Clerk, who shall forward them to the Mayor along with recommendations for approval or disapproval. Employees who submit suggestions that are approved may receive recognition at the City Council meeting following implementation of the suggestion.

# Section 4

## Employee Code of Ethics

These policies are pursuant to the City's Ethics Ordinance, which is found at Chapter 40 of the Dayton Code of Ordinances.

### Conflicts of Interest in General

- (1) Every officer and employee of the City of Dayton and agencies thereof shall comply with the following standards of conduct:
  - a. No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity, which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
  - b. No officer or employee shall intentionally use or attempt to use his or her official position with the City to secure unwarranted privileges or advantages for himself or herself or others.
  - c. No officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the City to obtain a financial benefit for any of the following:
    1. The officer or employee.
    2. A family member.
    3. An outside employer.
    4. Any business in which the officer or employee, or any family member, has financial interest.
    5. Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

- (2) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business, as defined in the ordinance, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.
- (3) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision, or other action taken within the scope of his or her public duties shall disclose the precise nature to the City Council or the agency thereof served by the officer or employee. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

## Conflicts of Interests in Contracts

- (1) Pursuant to KRS 61.252, no officer or employee of the City or any City agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:
  - a. The prohibition in subsection (1) of this section shall not apply to contracts entered before an elected officer filed as a candidate for City office, before an appointed officer was appointed to the City or City agency office, or before an employee was hired by the City or a City agency. However, if any contract entered by the City or City agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition of this section shall apply to the renewal of the contract.
  - b. The prohibition in this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing the contract performance after the contract is awarded. If the officer or employee has any of the authorities as set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth below are satisfied.
  - c. The prohibition of this section shall not apply in any case where the following requirements are satisfied:
    1. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the City or City agency.
    2. The disclosure is made a part of the official record of the governing body of the City or City agency before the contract is executed.

3. A finding is made by the governing body of the City or City agency that the contract with the officer or the employee is in the best interests of the public and the City or City agency before the contract is executed.
  4. The finding is made a part of the official record of the governing body of the City or City agency before the contract is executed.
- (2) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section.
  - (3) In addition, violation of this section shall be grounds for removal from office or employment with the City in accordance with any applicable provisions of state law and ordinances, rules, or regulations of the City.

## Confidentiality of City Records

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

## Gifts/Gratuities

- (1) Employees shall not solicit or accept a gift or gratuity from any person, corporation, or entity that has, or is seeking to obtain, a contractual or other business or financial relationship with the City or which represents any person or business that has or seeks to establish a financial or other business relationship with the City. "Gratuity" means money, real or personal property, meals, travel, lodging accommodations, tickets, admission fees, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment that is given and received without the giver receiving consideration of equal or greater value in return. The following are exceptions to this prohibition:
  - (a) An employee may accept unsolicited advertising, promotional material, trinkets, informational material, or educational material
  - (b) An employee may accept professional services that assist the employee in the performance of his or her job duties, such as advice, consultation, information, and communication in connection with services.
  - (c) An employee may accept a plaque or similar award recognizing the employee for his or her services, performance, or other accomplishments.

- (d) An employee may accept any gift or gratuity given because of the employee's membership in a group, organization, or class, if equivalent gift or gratuity is given or offered to the other members of the group, organization, or class.
  - (e) An employee may accept any gift or gratuity given by a family member of the employee, even if he or she has a contractual, financial, or other business relationship with the City, unless the gratuity is given on behalf of an individual or organization that has or is seeking to obtain, a contractual, business, or other financial relationship with the City.
- (2) An employee shall report to the City Administrator any gratuity from a vendor with a fair market value that is offered to or received by the employee. The employee shall obtain the approval of the City Administrator before finally accepting any gratuity. Any item offered may be accepted for the City.

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

- (1) Employees shall not use City property or work time for his or her private or financial gain, the private or financial gain of any other person, or to advance political, social, or religious causes.
- (2) Supervisors shall not instruct or otherwise require a subordinate employee to perform any task or function that is outside of the business purposes of the City.

## **Political Activity**

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

## **Reporting Code of Ethics Violations and Penalties**

- (1) An employee who becomes aware of a violation of any policy in the Code of Ethics should report the violation promptly to any one of the following:
  - (a) City Administrator or Mayor;
  - (b) His or her immediate supervisor or department director;
  - (c) The City Clerk;
  - (d) The City Attorney;



- (e) Any member of the City Council or
  - (f) Any supervisor with whom the employee feels comfortable discussing the matter.
- (2) All reports of a violation of the Code of Ethics shall be reduced to writing by the reporting employee or by the person receiving the report. The employee may use HR Form 10 for this purpose. The report shall be signed by the complaining employee. All reports of violations will be kept confidential to the extent feasible and appropriate under the circumstances.
- (a) All reports shall be reviewed and investigated. The violation will be investigated by the Mayor, or his or her designee. The results of the investigation will be communicated to the complainant, the alleged policy violator, and the City Council. Any employee found to have engaged in misconduct constituting a violation of this policy will be appropriately disciplined, up to and including dismissal.
  - (b) As provided under the Whistleblower Protection for City Employees policy below, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. Any person found to have discriminated or retaliated against an employee who makes a complaint shall be subject to disciplinary action, up to and including dismissal.
  - (c) The City recognizes that the question of whether a particular course of conduct constitutes a violation of the City's Code of Ethics may require a factual determination. The City also recognizes that false accusations have serious effects on innocent parties. If an investigation results in a finding that the complaining party made a false accusation with malice or with a reckless disregard for the truth, the complaining party will be subject to appropriate sanctions, including discharge.
- (3) An employee may speak directly to any member of the Ethics Board about a violation of the Code of Ethics if the employee has reported a violation to members of management without result.
- (4) Any report regarding an elected City officer shall be submitted to the City Ethics Board, who shall determine the course of the investigation and the proper manner to address the complaint.

## Whistleblower Protection for City Employees

- (1) The City strictly prohibits the retaliation or discrimination against any employee who reports an alleged violation of the policies contained in this Handbook to his or her supervisor or to any other member of the City's supervisory staff.
- (a) No City employee shall use or threaten to use his or her supervisory authority or influence to discourage, restrain, suppress, dissuade, deter, prevent, interfere with, or coerce an employee from reporting any violation of the policies contained in this Handbook to his or her supervisor or any other member of the City's supervisory staff.

- (b) No City employee shall retaliate or discriminate against an employee because he or she supports, aids, or otherwise substantiates another employee who reports a violation of the policies contained in this Handbook to the Ethics Board.
  - (c) No City employee shall retaliate or discriminate against another employee because he or she reports a violation of the policies contained in this Handbook to the Ethics Board after informing members of City supervisory staff without satisfactory resolution.
  - (d) The provisions of this policy in no way alter the at-will employment status of City employees. This policy does not create any contractual or other rights for employees, and the City may alter, amend, or remove any policy contained in this Handbook at any time.
- (2) The City strictly prohibits the retaliation or discrimination against any employee who reports an alleged violation of any applicable federal, state, or local law or regulation to City supervisory staff, the Ethics Board, law-enforcement authorities, or other appropriate officials.
- (a) No City employee shall use or threaten to use his or her supervisory authority or influence to discourage, restrain, suppress, dissuade, deter, prevent, interfere with, or coerce an employee from reporting a violation of law or regulation to a City supervisor, the Ethics Board, or other appropriate officials.
  - (b) No City employee shall retaliate or discriminate against an employee because he or she supports, aids, or otherwise substantiates another employee who reports a violation of law or regulation to a City supervisor, the Ethics Board, law enforcement authorities, or other appropriate officials.
- (3) Any employee who receives an official request from an outside agency for information related to the City shall promptly inform his or her immediate supervisor of the request. Any employee who receives a request from media for information related to the City shall forward the request to the City Clerk and shall otherwise follow the Media Communications policy outlined in this Handbook.
- (4) Any City employee who makes a false report of a violation or discloses information related to a report of a violation of City policies or the law with a reckless disregard for the truth shall be subject to disciplinary action, including the possibility of immediate dismissal.

## Complaints from Third Parties

- (1) The City shall provide an opportunity on its City Web site ([daytonky.com](http://daytonky.com)) for third parties to make ethics complaints about City employees or elected officials. Employees shall follow the process required in Reporting Code of Ethics Violations and Penalties section in making reports regarding violation of the Code of Ethics, but they may direct any individual who is not employed by the City to the website for the purpose of making a complaint or expressing a concern. The City shall not accept anonymous complaints and the website shall require the individual submitting the complaint to identify himself or herself.

- (2) The website shall provide the name, address, telephone number, and email address where all of the officers of the City can be contacted to receive complaints or hear any concerns related to the operations of the City.
- (3) Any officer receiving a complaint shall forward the information to the other officers, who shall collectively determine the appropriate manner to address the complaint, that information shall be handed over to the Mayor.

# **Section 5**

## **Employee Financial Practices, Reporting, and Reimbursement**

### **Purpose of the Policies Contained in this Section**

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

### **Employee Expense Reports and Reimbursement**

- (1) Business expenses may be charged to the City on a credit card issued in accordance with Use of City Credit Cards policy section of this Handbook or paid for from the employee's private funds and reimbursed upon the submission of the documentation required under this policy.
- (2) An employee requesting reimbursement for business-related expenses made on behalf of the City shall complete the Employee Expense Report (HR Form 11). The employee shall submit expenses and supporting documentation in the following manner:
  - (a) Expenses shall be submitted on at least a calendar-month basis. Expenses submitted for reimbursement are due to the City Clerk within 15 days from the end of the month in which the expense was incurred. Employees shall not include expenses from different calendar months on the same expense report.
  - (b) Requests for reimbursement in expense reports shall be accompanied by a receipt and all supporting documentation, including itemized receipts, when available. The employee shall provide the business purpose, the date, location, amount, and the persons being covered by the purchase on the receipt or in supporting documentation. The failure to provide a receipt and other applicable supporting documentation will result in denial of the reimbursement, unless the expense report is accompanied by an approved Missing

Receipt Affidavit Form (HR Form 12). Credit card statements will not be accepted as evidence of a receipt.

- (c) All expense reports must be approved and signed by the employee's supervisor or department director with the responsibility of budgeting and reviewing business expense information for the employee's department. The City Clerk, or his/her designee, shall review all expense reports prior to reimbursement for the purpose of determining compliance with City policies. The (elected officials) expense reports shall be submitted to the City Clerk and approved by in accordance with the City budget.
- (3) An employee who submits a fraudulent receipt or falsifies his or her expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
- (4) The City may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

## Use of City Credit Cards

- (1) The City has authorized revolving city credit cards for City-related expenses. City credit cards are for use in making operational business purchases, purchases related to meetings, and other legitimate business expenses as set forth in this policy.
  - (a) Operational expenses are those expenses necessary for the running of the City. Examples include, but are not limited to, office supplies and equipment, other office-related expenses, computer supplies, and any other non-travel related expenses.
  - (b) Meeting-related expenses include, but are not limited to, group meals, hotel meeting rooms, prepaid airfare, prepaid hotel accommodations, prepaid business car rental, prepaid conference and meeting registrations, prepaid expenses for meetings, and unanticipated event or travel needs.
  - (c) These examples are not intended to limit the credit card use for other legitimate business expenses.
- (2) Employees using a City credit card for operational or meeting-related expenses will be subject to the following conditions:
  - (a) Only legitimate business and operational-related purchases may be charged on a City credit card.
  - (b) The City credit cards shall not be used for personal expenses of any kind. If an expense is determined to be personal in nature, the expense must be reimbursed immediately. The Mayor or City Administrator, upon review, may require reimbursement of a personal expense outside of this time frame.

- (c) All monthly credit card statements shall be reviewed by the City Clerk or his or her designee, who shall sign each page of the statement as evidence that they accept the identified expenses as legitimate business expenses. In addition, the City Clerk or his or her designee shall review the credit-card statements to determine compliance with other City policies.
  - (d) Itemized receipts of each transaction made using a City credit card must be submitted to the City Clerk, who shall forward to the City Administrator for review and approval. The receipts shall provide detail on the business purpose, date, location, amount, and persons covered by the purchase. Credit card statements will not be accepted as evidence of a receipt.
- (3) The City will review the policy regarding credit card usage and credit card limits on an as-needed basis, but no less than every three years.

## **Employee Travel Expense Reimbursement**

- (1) All City officers and employees shall receive prior approval from the Mayor or City Administrator and if appropriate, his or her immediate supervisor, based on the City budget, prior to undertaking any travel within the state. Prior to any out-of-state travel, an employee shall receive prior written approval through the submission of a Travel, Meeting, and Conference Request Form (HR Form 08). The Travel Request Form shall be reviewed and approved by the employee's immediate supervisor, if appropriate, and the Mayor or City Administrator.
- (2) Registration for conferences and meetings shall be performed in coordination with the City Clerk or other staff as may be designated. Before registration is complete, the employee shall provide the City Clerk with an approved copy of the Travel, Meeting, and Conference Request HR Form 08. Employees should try to provide this information in a timely manner so that the lowest possible registration fees are paid.
- (3) Reservations for overnight lodging shall not be made until a Travel Request Form has been submitted to the City Clerk and approved by the Mayor or City Administrator. Reservations for overnight stays for travel within Kentucky of less than three nights may be made by the employee if the employee has received the advance approval of his or her supervisor and it has been included in the current city budget ordinance. Reservations for longer than three nights within Kentucky shall be made by the City Clerk or other staff designated by the Mayor.
  - (a) Reservations will be made in such a manner to secure the best available rate for safe, clean, and secure accommodations as close to the meeting location as possible. Every attempt should be made for stay in the hotel hosting the conference or meeting and to pay the conference room rate.
  - (b) In-room movies, room service, mini-bar, use of hotel gym, spa or massage services, sauna facilities, or other additions to room bills are not reimbursable. Only usual and customary expenses are eligible for reimbursement.

- (c) A copy of the hotel folio or receipt showing proof of payment shall be submitted by the employee for expense reimbursement.
- (4) Car rental reservations can be made after submitting this request to the City Clerk and this request is approved by the Mayor or City Administrator. The following guidelines shall apply when car rental reservations are made:
- (a) Standard, full-size, mid-size, compact or economy models shall be rented unless more than two persons are traveling together. Upgrades for other models are permissible if transporting materials, more than three individuals are traveling together or other situations where cargo space is a factor. Unauthorized upgrades shall not be reimbursed.
  - (b) The refueling option should be taken if extensive driving is planned. If the refueling option is declined, the car must be returned with a full tank of gas.
  - (c) Rental vehicles should be returned to the original rental location to avoid costly drop-off charges unless there are extraordinary circumstances or returning the rental vehicle to a different location would provide an overall cost savings to the City in comparison to other travel alternatives.
  - (d) Additional collision insurance offered by the rental company shall be purchased with the vehicle rental.
  - (e) The vehicle accident reporting requirements outlined in Section 3 of this Handbook shall be followed in the case of an accident involving a vehicle rented by the City.
- (5) Employees may use a City-owned vehicle or their own vehicle for business travel on behalf of the City. Employees shall adhere to the following process related to mileage reimbursement:
- (a) If an employee traveling by vehicle on behalf of the City chooses to use a private vehicle, the employee shall use their own vehicle.
    1. Employees using a City vehicle shall complete a mileage log detailing amount of travel and the purpose of the travel.
    2. Employees traveling more than 50 miles in a City pool vehicle shall return the vehicle with a full tank of gas after use.
    3. Employees using a City vehicle shall submit gas receipts for refueling a City vehicle to receive reimbursement.
  - (b) When an employee traveling on behalf of the City chooses to use his or her personal vehicle, the employee will be reimbursed for mileage. An employee shall be reimbursed at the mileage rate allowed by the Internal Revenue Service for business expense deductions under the following guidelines:
    1. An employee shall not be reimbursed for transportation or commuting between the employee's home and his or her permanent workplace.

2. Mileage shall not be reimbursed for attendance at a City function or event held outside of the workplace unless the employee has been assigned to work at the event.
  3. To receive mileage reimbursement, the employee shall state on his or her expense report the total number of miles traveled on City business as found on the Mileage Log at HR Form 15. The employee shall include the starting points and ending destination for each trip along with a description of the purpose of the travel. Any travel of a personal nature while on City business shall be deducted from the total miles traveled.
  4. Parking violations and traffic or other moving motor violations are not reimbursable expenses.
  5. If the employee is involved in an auto accident while on city business driving his or her own privately owned vehicle, he or she shall follow the accident-reporting requirements outlined in this Handbook.
- (6) Except for reimbursable expenses related to official City business as provided in this Handbook, the City shall only provide employees with reimbursement for meals involving out-of-state travel, overnight travel within Kentucky, and for in-state trips. Meal and incidental reimbursement amounts will be determined using the City Approved schedule for each meal as established by the Mayor or City Administrator. No receipts are required for per diem meal reimbursement and an employee shall receive meal reimbursements in accordance with the following guidelines:
- (a) For out-of-state travel and overnight travel within the state, an employee is responsible for identifying the city of travel and the associated per diem rates for each meal. The per diem amounts include the cost of the meal and tips and no additional amounts shall be reimbursed. An employee shall be reimbursed the per diem amounts for breakfast, lunch, dinner, and incidentals for full days of travel involving overnight stay. An employee shall receive per diem reimbursement for only certain meals on both the first and the last day of travel, depending on the employee's departure and return times. The employee shall use the per diems applicable to the city of primary destination. The city of primary destination is the city the employee is traveling to on days of departure and the city the employee is traveling from on days of return. If the employee is visiting multiple cities and has stayed overnight within the state, the employee shall select one city to serve as the primary destination for calculation of the per diems for the day.
    1. Breakfast will be reimbursed if the employee departs for the travel before 8 a.m.
    2. Lunch will be reimbursed when the employee is traveling through 2 p.m.
    3. Dinner will be reimbursed if the employee will not return until 5 p.m. or later.
  - (b) For in-state travel after 5 p.m. that does not involve overnight stay, an employee may elect to be reimbursed the allowable dinner per diem applicable to the city the employee



is traveling to or from. The City will include the reimbursement as additional income to the employee and applicable taxes will be withheld from the employee's gross pay. The daily per diem amount is as follows:

1. Breakfast: \$7
2. Lunch: \$11
3. Dinner: \$23

- (c) The City will not reimburse a meal per diem allowance for any meal that is included in a registration fee for a conference, when the employee's meal is covered under a group meal receipt submitted under paragraph (e) of this Section, or when a receipt has been submitted for reimbursement as an expense related to official City business. Functions where finger foods or hors d'oeuvres are served in conjunction with the conference, and continental breakfasts provided by hotels or conference sponsors do not constitute meals and the employee is entitled to claim the per diem for that meal.
  - (d) If the employee has attended a conference or training in conjunction with the travel, the employee is required to submit a detailed program agenda for per diem meal reimbursement.
  - (e) Employees may submit and receive reimbursement for a group meal receipt for more than one employee if the dining establishment is unable or unwilling to provide individual checks, provided that the total cost of the meal does not exceed the total allowable per diems for all of the participating employees. An employee submitting a group meal receipt shall follow the procedures required in Section 5 for reimbursement on an expense report or Use of a City Credit Card Policy when using a City credit card for documentation of the expense and shall also state on the receipt that the receipt is for a group meal and the name of each participating employee. Employees covered by a group meal receipt shall not be eligible for per diem reimbursement for that meal.
  - (f) All City elected officials attending training, conferences, or working in their capacity as an elected official outside the City limits will be paid the per-diem meal reimbursement amount.
  - (g) The Mayor, City Administrator, and Assistant City Administrator, in the course of their job duties from time to time, may as he or she deems necessary, need to pay for the meals of others. These receipts need to be turned in with a detailed reason for the expense for those meals.
- (8) The City will reimburse employees and elected officials for the following expenses relating to parking:
- (a) An employee or City elected official may request reimbursement for parking fees for leaving a vehicle at an airport in conjunction with out-of-state travel on behalf of the City. For airport parking, the employee shall only be reimbursed for the rates of long-term

parking. If the employee uses short-term parking or valet services, the employee will only be reimbursed for the cost of long-term parking fees applicable at the airport of departure. As an alternative to airport parking, an employee may elect to be reimbursed for the mileage related to being dropped off or picked up at the airport. The employee may be reimbursed the lesser of the mileage between the airport and the employee's residence or the mileage between the airport and the employee's permanent office or workplace. In no event shall the amount of mileage reimbursement exceed the amount the employee would have spent on long-term parking.

- (b) Employees and City elected officials shall be reimbursed for parking at hotels or overnight lodging accommodations for business-related meetings or in conjunction with business travel for the City. Employees shall only be reimbursed for standard hotel parking rates unless the option is not available. Employees electing to use valet parking will only be reimbursed up to an amount equal to the standard parking rates applicable at the particular hotel.
  - (c) All other business-related parking fees are reimbursable upon the submission of a valid receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.
- (9) Employees should evaluate their individual circumstances and select the safest and most economical alternative when traveling to and from all destinations. Employees may be reimbursed for taxis, ride-sharing platforms, shuttles, public transportation, and rapid transit used for business related transportation. Employees may be reimbursed for the payment of tips for taxi drivers up to a maximum of twenty percent (20%) of the total fare. The employee shall submit a receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.
- (10) When a City employee is required to travel for a business purpose, long distance telephone calls that are infrequent and short in duration are acceptable. When possible, the employee should use a mobile telephone rather than incurring long distance telephone charges or charging long distance calls to a hotel room bill.
- (11) Except as otherwise specifically provided in this policy, tips or gratuities related to employee travel shall not be a reimbursable expense.
- (12) The City shall not reimburse or pay for the travel of an employee's family member or other guest. When a family member or other guest joins an employee on business-related travel, the employee or the guest is responsible for paying all travel costs, including airfare and meals.
- (13) Except for the travel-related expenses outlined in this policy, all other travel-related expenses are deemed non-reimbursable unless approved in writing by the Mayor or City Administrator. An employee shall submit his or her travel-related expenses for reimbursement on an Employee Expense Form within 15 days after the end of the month in which the travel expenses were incurred as provided in Section 5 of this Handbook. In the case of extreme financial hardship, an

advance for out-of-state travel may be granted to an employee by the Mayor. The request shall be made by the employee in writing with enough time to approve the request and process an advance check. An employee who has received a travel advance must deduct the total amount of the advances from the total reimbursement request when submitting an expense report detailing expenditures. If the amount of the advance exceeds the total reimbursable expenditures, the employee shall pay the difference back to the City.

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

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

## **Alcohol Reimbursement Policy**

No reimbursement will be made for the purchase of alcoholic beverages.

## **Purchasing and Procurement**

- (1) When an employee's position requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for each expenditure. City funds and all assets are for City purposes only and are not for personal benefit.

- (2) Employees authorized to make purchases on behalf of the City must follow the procedures outlined in the City Purchasing Policy, or as approved by the Mayor or City Administrator and within the limits of the City budget as approved by the City Council.

## Disposal of City Property

Before selling or otherwise disposing of any real or personal property, the city shall make a written determination setting forth and fully describing:

- a. The real or personal property;
  - b. Its intended use at the time of acquisition;
  - c. The reasons why it is in the public interest to dispose of it; and
  - d. The method of disposition to be used.
- (2) Real or personal property may be:
    - a. Transferred, with or without compensation, to another governmental agency;
    - b. Transferred, with or without compensation, for economic development purposes;
    - c. Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
    - d. Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or
    - e. Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4).
  - (3) If a city receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the city. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.
  - (4) Any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the city.

## Contract Review and Execution

- (1) All written contracts or contract renewals shall be reviewed by the City Administrator or City Attorney or their designee before execution.
- (2) Approval from the Mayor in accordance with the City budget and specifications as set by the City Council, is required prior to requesting a contract be drafted on behalf of the City.
- (3) All contracts made on behalf of City shall be signed by the Mayor or the City Administrator at the direction of the Mayor.
- (4) A copy of all executed contracts must be provided to the City Clerk for tracking and filing purposes unless other arrangements have been made.

## Check Handling by City Employees

City employees shall immediately present any check or other form of payment received by him or her to the City Clerk or his or her designee for deposit.

## Cash Disbursements

- (1) All invoices received by the City Clerk through the regular U.S. mail or by email will be routed to the Mayor or City Administrator for approval in accordance with the city budget.
- (2) The amount of budgeted expenditures that may be approved by each level of management is as follows:
  - a. Department supervisors approve budgeted expenditures up to \$1,000;
  - b. The Mayor may approve budgeted expenditures up to \$30,000;
  - c. The Mayor approves all budgeted expenditures over \$30,000 that have been properly bid.
- (3) No employee may give final approval for expenditures directly relating to himself/ herself. All such expenses, regardless of the dollar amount, must be approved by the employee's immediate supervisor or by the Mayor or City Administrator.
- (4) Accounts payable checks will be cut weekly. The City Clerk, or his/her designee, shall review all check run reports prior to the release of checks. All checks shall require two signatures.
- (5) Invoices received for payment will be paid in accordance with the terms stated on the invoice or by the negotiated agreement/contract.

# Section 6

## Classification and Compensation

### Employment Types and Classification

- (1) As used in this Handbook, the terms below shall have the following meanings:
  - (a) “Full-time employee” is an employee who is normally scheduled and expected to work a minimum of 40 hours each workweek and has an indefinite term of employment.
  - (b) “Part-time employee” is an employee who is normally scheduled and expected to work less than 40 hours in a single workweek, averages less than 100 hours of work in a calendar month and has an indefinite term of employment.
  - (c) “Temporary employee” is an employee who is hired and works for a definite period of time. Generally, a temporary employee will be employed for a period of one year or less.
  - (d) “Seasonal employee” is an employee hired in a position that is temporary in duration and coincides with a particular season or seasons of the year and which may recur regularly from year to year; the period of time shall not exceed nine months.”
  - (e) “Intern” is an individual who works in an internship position approved by the Mayor and as outlined in the budget for one period of time not to exceed 26 weeks.
- (2) The City designates all employment positions as either exempt or nonexempt in compliance with applicable federal and state law. The classifications are for purposes of determining whether overtime compensation is due to the employee for hours worked in excess of 40 in a single workweek. The classification of positions as “exempt” or “nonexempt” is based on applicable state and federal laws and regulations. Classifications of positions are reviewed by the Mayor in consultation with the City Administrator and/or City Attorney at the time of position creation or modification and on an annual basis to ensure legal compliance. As used in this Handbook, the terms below shall be accorded the following meanings unless specifically stated otherwise:
  - (a) “Nonexempt employee” is an employee in a position with duties or responsibilities that require overtime compensation for any time worked in excess of 40 hours in any workweek, including vacation, sick, holiday, and personal time and/or pursuant to the Fair Labor Standards Act and Kentucky wage and hour laws. The additional overtime compensation for nonexempt employees is calculated under the City’s Overtime Compensation Policy established in Section 6 of this Handbook.
  - (b) “Exempt employee” is a salaried employee in a position with duties and responsibilities that render the employee exempt from the overtime requirements of the Fair Labor Standards Act and Kentucky wage and hour laws. An exempt employee is not eligible

for additional compensation for working in excess of 40 hours in a workweek under the City's Overtime Compensation Policy established in Section 6 of this Handbook.

## Fiscal Year

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

## Official Workweek

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

## Overtime

- (1) "Overtime" means any time worked by a nonexempt employee in excess of 40 hours in any single workweek. In addition, if a non-exempt employee works seven days in any one work week AND works over 40 hours in those seven days, all hours worked on the seventh are paid at 1½ times the employee's regular hourly rate of pay. For purposes of this section, workweek is defined in this Handbook.
- (2) The City is required under the Fair Labor Standards Act and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than 40 hours in a single workweek. Overtime wages shall be calculated at a rate of 1½ times the employee's regular hourly rate of pay. A salaried employee's regular hourly rate of pay will be calculated by dividing the annual salary by the annual hours (annual hours = \_\_\_ hours per week x 52 weeks = \_\_\_\_\_ hours per year). For example: annual hours = 40 hours per week x 52 weeks = 2,080 hours per year.
- (3) A nonexempt employee must be authorized orally or in writing by the employee's immediate supervisor prior to the employee's performance of any work that would result in overtime. The employee shall verify that his or her time record accurately reflects any overtime worked as required in Section 6 of this Handbook. Any employee who works overtime without prior authorization or fails to properly report overtime work shall be subject to disciplinary action.
- (4) The City and the employee's immediate supervisor or department director may require any nonexempt employee to take time off during any workweek that the employee has worked or will work more than 40 hours to minimize overtime costs.
- (5) Exempt employees are not eligible for overtime compensation.

## On-Call Employees

- (1) As a condition of employment, employees shall agree to report within a reasonable time period if requested during a period of emergency; if an employee is called to report to work either after the normal working hours or before the normal working hours, the employee shall be paid at the regular rate of pay for actual time worked.
- (2) Employees in some departments may be required to be on-call in the event of emergencies. Each department shall establish the method of compensation for this period.
- (3) On-call employees that take home city vehicles are to abide by vehicle and on-call policies.

## Base Salary and Salary Adjustment

- (1) The base salary for each employee is determined in accordance with the Pay and Classification Ordinance approved by the City Council. The Mayor shall be responsible for administering, evaluating, and establishing compensation for all employees. The City employee compensation program shall be operated under the following conditions:
  - (a) In its endeavor to ensure fair pay for all its employees, the City periodically adjusts base salaries and the salary ranges under its Pay and Classification Ordinance (or budget, if contained within the budget ordinance), based upon professional market studies and pay-analysis of similar jobs. The City may make annual market or cost-of-living adjustments to the compensation of employees depending upon the availability of funds in the City budget.
  - (b) In addition to the pay analysis, other factors for establishing employee pay under the compensation program include, among other things, the skill and effort necessary for efficient and effective job performance; the quality and quantity of actual job performance; the degree of responsibility such performance demands; the conditions under which the job is performed; the employee's experience; length of employment; the employee's educational and professional achievements, including licensure and certifications; and what is being paid for similar jobs in the marketplace.

## Payroll Deductions

- (1) The City will make all legally required deductions from an employee's gross pay in accordance with applicable legal requirements, including:
  - a. Federal and state income taxes.
  - b. Social Security (FICA) taxes.
  - c. Deductions required by wage garnishment or child support orders.



- (2) The City also may deduct from your pay your portion of insurance premiums and voluntary contributions to a 401(k) or 457 retirement plan and/or a pension plan.
- (3) Employees may request voluntary deductions be made from their gross pay, such as contributions to optional retirement plans. The employee shall obtain the appropriate form to request voluntary deductions from the City Clerk .
- (4) When the City must rely on information provided by the employee to make any legally required deduction, it is the sole responsibility of the employee to provide accurate and timely information to the City.
- (5) In accordance with the Fair Labor Standards Act, the City prohibits improper deductions from the pay of exempt employees and will reimburse employees for any improper deduction. When an exempt employee has exhausted all paid leave, the City may deduct for absences of one or more full days for leave related to sickness, disability, unpaid disciplinary suspensions, or for other personal reasons. In addition, the City may make either full or partial day deductions from the pay of an exempt employee during the first or the last week of employment when only part of the week is worked by the employee, or for any unpaid leave taken in accordance with a legitimate absence under FMLA. Any exempt employee who believes that an improper pay deduction has been made shall immediately file a written complaint with the City Clerk setting forth the dates, amounts, reasons, and any other information for the pay deduction. The City Clerk along with the Mayor shall take immediate action to investigate the issue, and if found to be an improper deduction, shall cause the employee to be compensated for the improper deduction within two pay periods from the date the written complaint was filed.
- (6) No other deductions will be made.
- (7) All deductions from your pay will be listed on your pay stub. If you have questions about any deductions from your pay or if you believe improper deductions have been made from your pay, you must report your concern to the City Clerk immediately.

## Direct Deposit

The city has a weekly pay period for all employees. The net earnings for each pay period will be deposited directly in the employee's account in the financial institution of employee's choice. The City Clerk can furnish details on the requirements of Direct Deposit.

## Time Records

- (1) Time records will be kept on all nonexempt employees to facilitate the City's compliance with overtime pay requirements. Nonexempt employees shall submit time records through completion of HR Form 02. The time record will reflect a single pay period consisting of one workweek. Time must be logged as the total number of hours actually worked each day, excluding meal periods. Any vacation, sick, compensatory leave time, or other paid leave time used by the employee must be recorded on the time record. Time records must be completed and submitted to the employee's supervisor no later than the 4 p.m. on Wednesday, immediately following the end of

the pay period on the preceding Wednesday. Supervisors shall review and approve or disapprove time records in a timely manner.

- (2) Except for the immediate supervisor of the employee, all employees are forbidden from entering any information on another employee's time record. An employee shall not falsify information on his or her own time record. Employees found to have violated this policy will be subject to discipline, up to and including discharge. Any errors discovered in an employee's time record shall be reported immediately to the employee's immediate supervisor, who will determine the manner and method of correcting legitimate errors.

## **Unemployment Compensation Insurance**

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

## Section 7

# Health, Retirement, and Other Benefits

## Health Insurance

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

## Dental Insurance

All full-time employees are eligible for dental insurance for themselves and their dependents beginning on the first day of the month following the start of employment. The City may provide the cost of dental insurance for each full-time employee. The employee may elect optional dependent coverage if the employee pays the additional cost for dependent or family coverage. Specific information about the City's dental insurance plan is available from the City Clerk.

## Vision Insurance

All full-time employees are eligible for vision insurance for themselves and their dependents beginning on the first day of the month following the start of employment. The City may provide the cost of vision insurance for each full-time employee. The employee may elect optional dependent coverage if the

employee pays the additional cost for dependent or family coverage. Specific information about the City's vision insurance plan is available from the City Clerk.

## Life and Disability Insurance

Full-time employees receive life insurance as a City benefit but not long- or short-term disability insurance coverage. Employees may obtain disability insurance through a third-party insurance company that contracts with the City, but all premiums for this insurance are paid solely through employee payroll deductions. Life insurance is effective on the first day of the calendar month following the date of the end of the employee's introductory/probationary period.

## Employee Assistance Program

The City provides an Employee Assistance Program for all City employees. This provides counseling services for a wide range of concerns as outlined in the documentation provided by the EAP organization. This service is confidential with no reporting to the City. This service can be self-referred. On some occasions, the City may encourage a member of the City to meet with EAP counselors because of a work-related incident, however, most of the use will be as a result of a member self-referral.

## Longevity Pay

Longevity Pay is for full-time employees and is paid out to employees in good standing with the City on their anniversary date. The City Clerk, in consultation with the Department Head, is responsible for this action to be taken. The longevity pay amounts are:

Years of Service	Dollar Amount
Five (5)	\$250
Ten (10)	\$500
Fifteen (15)	\$750
Twenty (20)	\$1,000

## Cell Phone Stipend

The City may provide a monthly cell phone stipend for all employees that are expected to be accessible outside of normal office hours. The rate to be paid will be set by the Mayor.

## Workers' Compensation

- (1) The City pays the entire amount of the workers' compensation insurance premium that provides benefits to employees who experience injury or illness in connection with employment. Eligibility begins on the first day of employment. Workers' compensation benefit entitlements are governed by KRS Chapter 342. If employees have questions concerning their rights or benefit amounts, they should contact the City Clerk.
- (2) If an employee is injured in connection with employment, regardless of the severity of the injury, the employee shall immediately notify his or her immediate supervisor and/or the City Clerk, who will request any necessary medical attention and assist in the completion of any required reports, including HR Form 03. In any case of serious injury, employees are required to receive prompt medical attention by a physician authorized under the City's designated workers' compensation plan. Employees and supervisors shall contact the City Clerk to report all work-related accidents and injuries.

## Return-to-Work Program

- (1) It is the policy of the City, when possible, to modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury.

(Note: This policy should not be construed as recognition that an employee has a disability as defined by the Americans with Disabilities Act (ADA) of 1990 and its Amendments.)

- (2) This policy applies to all City employees.
- (3) Definitions for this policy:
  - a. "Return to Work (RTW) (Modified Duty)" position is a temporary position to which an employee is assigned when he/she is unable to return to his/her regular position following an on-the-job injury or illness. The Return to Work position temporarily addresses the restrictions placed on an individual by an evaluating physician.
  - b. "Employment-related injury" is an injury or occupational disease that arises out of the course and scope of employment and is a compensable injury or illness, as defined under the Kentucky Workers' Compensation Act.
  - c. "Physician" means a doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the Kentucky Workers' Compensation Act.
- (4) It is the responsibility of the injured employee to inform the evaluating physician of the employer's early return to work program; adhere to the assigned restrictions/limitations for the specified period of time; maintain a positive attitude toward working within physical restrictions/limitations; and continue to seek and follow appropriate medical care throughout recovery period.

- (5) It is the responsibility of the employer to review and evaluate work alternatives for a temporary specified period of time as established by the evaluating physician; to evaluate job description and modify requirements within the position to accommodate the employee to the assigned restrictions; to monitor the injured employee to ensure work performed is within the assigned restrictions; and to continue to review and adjust job assignments as medical condition improves and restrictions change until the final goal of either release to full duty or maximum medical improvement is achieved.
- (6) It is the responsibility of the evaluating physician to assign specific temporary restrictions for a specified period of time; review and adjust assigned restrictions at each evaluation; and maintain beneficial and appropriate medical care and treatment with the goal of moving the injured worker to full duty release or maximum medical improvement.
- (7) It is the responsibility of the claims adjuster to obtain specific temporary restrictions/limitations for a specified period of time from the evaluating physician after each evaluation; communicate verbal and written restrictions to the designated employer contact; and work effectively with the injured employee, employer, and physician to reach the goal of returning the employee to gainful employment.
- (8) To be eligible for participation in the RTW Program, an employee must provide a written statement from his or her treating physician that he/she is:
  - a. Temporarily unable to perform his/her essential duties, following an employment-related injury or illness; and
  - b. Capable of carrying out work of a lighter or modified nature from his/her regular duties and is expected to return to his/her regular duties within 90 calendar days.
- (9) Once notified of an on-the-job injury or illness, the director of the City department in which the employee works must complete a First Report of Injury for Workers' Compensation (HR Form 03) and inform the employee in writing of the Return-to-Work Program.
- (10) The employee must be seen and evaluated by a physician to determine if the employee is able to return to work, and if so, with or without restrictions.
- (11) At the time of the evaluation, the employee must inform the physician of the RTW Program and provide him or her with a copy of the employee's regular job description that identifies the essential functions of the job and its requirements.
- (12) When the employee is able to return to work with restrictions, the employee's physician must complete a report, indicating the specific restrictions, and the duration of those restrictions. The City may request clarification regarding temporary restrictions imposed by the treating physician.
- (13) Taking into consideration the information provided by the physician and the employee's department director, in consultation with the City Clerk, the City will determine if a temporary Modified Duty assignment can be offered to an employee. It should be understood that there may be instances in which the organization will not be able to offer a Modified Duty assignment.
- (14) If the employee's regular department is unable to meet the employee's need for Modified Duty, the employee's department is responsible for payment of the employee's salary and benefits

while performing a Modified Duty position in a different department which has been able to meet the employee's need for Modified Duty.

- (15) The employer should use one of the two following compensation arrangements:
  - a. No adjustment will be made in the employee's normal compensation. The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department; or
  - b. In most cases, there will be no adjustment in the compensation of the employee placed in a Modified Duty position. However, the employee placed in a Modified Duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. If that salary is less than his or her normal salary, then he or she will be paid at least what the maximum weekly benefit would be for his or her regular salary as defined by the Kentucky Workers' Compensation Act.
- (16) The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department.
- (17) Once the employee has been approved to participate in the Return-to-Work Program, the department must provide a RTW (Modified Duty) job offer letter. This letter shall include:
  - a. The position offered.
  - b. The location and duties of the position offered.
  - c. The wages and schedule of the position offered.
  - d. The duration of the temporary work assignment.
  - e. A statement that the department will only assign a position/duty consistent with the employee's knowledge and skills and will provide training if necessary.
  - f. A statement acknowledging that the employer knows about and will abide by the limitations under which the treating physician has authorized the return to work.
- (18) An employee may choose to accept or refuse the Return to Work (Modified Duty) job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of the job will also result in suspension of income benefits under Workers' Compensation Insurance.
- (19) Employees do not waive any rights to Workers' Compensation benefits by participating in the Return-to-Work Program. Employees participating in the Return-to-Work Program will continue to be covered by the Workers' Compensation Act for reasonable and necessary medical expenses and disability benefits related to the injury or illness.
- (20) A Return to Work with Modified Duty offer shall not last any longer than 90 calendar days. The duration of approved time will be based upon the information provided by the employee's designated treating physician.

- (21) An employee who is unable to return to his or her regularly assigned duties at the end of the Modified Duty agreement and remains with temporary restrictions that will prevent him or her from returning to his or her pre-injury position will begin to receive temporary total disability benefits through the workers compensation program. (If the restrictions are permanent and will not allow the employee to return to his or her pre-injury position, then the employee can request a leave of absence or the employer can address termination.)
- (22) Employees may be required to attend an IME (Independent Medical Exam) to clarify the continued restrictions or once they reach MMI (Maximum Medical Improvement) and permanent restrictions are assigned and determined by the treating physician.

If the employee believes that the condition is permanent, progressive, or chronic, the employee may pursue the Americans with Disabilities Act accommodation policy to determine if he or she is a qualified individual with a disability.

## Retirement Plan and Social Security

- (1) Employees who work in a regular full-time position for the City must be enrolled in the Kentucky Retirement System, excluding the City Administrator. City employees are covered under the County Employees portion of the plan (CERS). Regular part-time employees also must be covered if they average 100 or more hours of work per month over a calendar or fiscal year, including employees who work a total of more than 100 hours per month in two or more positions with employers under the same retirement system.
- (2) The retirement plan is a qualified public defined benefit plan and was established under Section 401a of the Internal Revenue Code. A defined benefit plan pays benefits based upon a formula, rather than on an account balance. The formula used to compute CERS benefits provides participating members with a guaranteed lifetime payment at retirement based on beginning participation date, the number of years of service, your average salary, and a multiplying factor.
- (3) Employees and the City contribute to the plan. The percentage of contribution may change annually and is based on hazardous and nonhazardous positions. The contribution amount is set by the Commonwealth of Kentucky. For more information about the Kentucky Retirement System, contact the City Clerk or the retirement system's website, <https://kyret.ky.gov>, or by phone at 800-928-4646
- (4) Pursuant to KRS 61.592(1)(a), "Hazardous Position" for participating KERS employees, as well as CERS employees who began participating in the retirement system before September 1, 2008, means:
  - (a) Any position whose principal duties involve active law enforcement, including the positions of probation and parole officer and Commonwealth detective, active fire suppression or prevention, or other positions with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning; and positions in the Department of Corrections in state correctional



institutions and the Kentucky Correctional Psychiatric Center with duties that regularly and routinely require face-to-face contact with inmates.

- (5) Pursuant to KRS 61.592(1)(b) a “Hazardous Position” for a participating employee who began participating in CERS, as well as KERS, on or after September 1, 2008, means:
  - (a) Police Officers and Firefighters as defined in KRS 61.315(1), paramedics, correctional officers with duties that routinely and regularly require face-to-face contact with inmates, and emergency medical technicians if: the employee’s duties require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning; and the employee’s duties are not primarily clerical or administrative.
- (6) The City participates in the federal social security program and will contribute a percentage of salary, to the extent required by law, to the social security system for each employee

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

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

# Section 8

## Paid and Unpaid Leaves

### Holidays

- (1) All full-time City employees shall receive paid leave for the following 14 holidays:
  - (a) New Year's Day
  - (b) President's Day
  - (c) Good Friday
  - (d) Cincinnati Reds Opening Day
  - (e) Memorial Day
  - (f) Juneteenth
  - (g) Independence Day
  - (h) Labor Day
  - (i) Thanksgiving Day
  - (j) Day after Thanksgiving
  - (k) Christmas Eve
  - (l) Christmas Day
  - (m) New Year's Eve
  - (n) Employee's Birthday
- (2) Unless otherwise designated by the City Council, paid holidays will be observed on the date of their actual occurrence. In the event that any of the holidays fall on a Saturday or Sunday, the Mayor will designate alternative workdays for the City employees to receive paid leave.

# Vacation Leave

- (1) All full-time employees shall receive paid vacation leave. Vacation leave shall be granted to an employee each calendar year on the following basis:
  - (a) A full-time employee shall receive 40 hours of vacation leave per year through the end of the (1st) year of employment. Vacation leave for new employees cannot be taken until after six months of employment with the City. The amount of vacation leave will be pro-rated based upon the amount of time left in the fiscal year.
  - (b) A full-time employee shall receive 80 hours per year, for the second (2nd) through the fourth (4th) year of employment.
  - (c) A full-time employee shall receive 120 hours per year, for the fifth (5th) through the end of the ninth (9<sup>th</sup>) year of service.
  - (d) A full-time employee shall receive 160 hours per year after the tenth (10<sup>th</sup>) year of service and every year thereafter as a City employee.
  - (e) Vacation leave set forth in an employment agreement with the City shall control over the above guidelines.
- (2) Vacation leave begins to accrue on the first day of the end of introductory period of employment.
- (3) On July 1 of every year, each employee's vacation leave account will be credited with the full amount of the annual vacation leave due the employee for the ensuing year. Each pay period, the employee's vacation leave account will be debited for vacation leave actually used by the employee during the preceding period. If an employee ceases to be employed during the year, the employee must repay to the City the amount of vacation leave used in excess of the leave that has actually accrued up to the date of termination. If possible, the value of the excess leave will be deducted from the employee's final paycheck.
- (4) An employee shall receive advance approval from his or her immediate supervisor prior to the use of any vacation leave time by the submission of an Absentee Request (HR Form 24). Requests for use of vacation leave time should be made as soon as possible to ensure minimum disruption to the departments and the organization's work schedule and workflow. In no event shall an employee be permitted to take more than 10 consecutive days of vacation leave without the express approval of the Mayor.
- (5) An employee may carry over a maximum of 80 hours of accrued and unused vacation leave time to the next fiscal year.
- (6) Upon termination of employment, an employee shall be paid for any vested but unused vacation leave time. The employee shall be compensated at the hourly rate earned by the employee at the time of the separation. The applicable hourly rate for both exempt and nonexempt employees shall be calculated as provided in Section 6 of this Handbook.

- (7) Upon termination and rehire of an employee, the vacation leave accrual shall reset and be treated as if the employee were a new hire.

## Personal Leave Time

- (1) A full-time employee shall receive twenty (20) hours paid personal leave days each year, which may be used by the employee for any purpose. A newly hired employee shall not be entitled to personal leave days until after he or she has completed a full calendar year of employment with the City.
- (2) An employee shall not accrue personal leave. All personal leave time shall expire at the end of the fiscal year if not used.
- (3) An employee shall receive advance approval from his or her immediate supervisor prior to the use of any personal leave time by the submission of an Absentee Request (HR Form 24). Requests for use of personal leave time should be made as soon as possible to ensure minimum disruption to the departments and the organization's work schedule and workflow.
- (4) An employee shall not receive compensation for any unused personal leave time upon separation from employment.

## Sick Leave

- (1) All full-time employees shall receive paid sick leave each calendar year in the amount of 10 days per year. Part-time employees, temporary employees, and interns shall not be eligible for paid sick leave.
- (2) Sick leave time begins to accrue at the start of employment.
- (3) An employee may use sick leave for any one of the following reasons:
  - (a) To avoid jeopardizing the health of other employees; or
  - (b) Illness, disability, medical condition, or a medical or dental appointment of the employee or a member of the employee's immediate family necessitating the employee's presence. "Immediate family" shall mean the employee's spouse, child, mother, father, or other permanent members of the employee's household.
- (4) An employee using sick leave time shall notify his or her immediate supervisor as soon as possible of the need to use sick leave. For periods of leave longer than one full day, the employee shall notify his or her supervisor of each separate day that leave will be used unless prior arrangements have been made.
- (5) Whenever an employee uses sick leave time, the employee shall submit an Absentee Request (HR Form 24). When possible, the employee shall submit the Absentee Request Form in advance of

the leave. Otherwise, the employee shall submit the Absentee Request Form immediately upon return to work.

- (6) Notwithstanding the requirements for FMLA leave, a medical certification or physician's statement will generally not be required to return to work after the use of sick leave. However, an employee's department supervisor may require medical certification or a physician's statement when there is a reasonable basis to believe the sick leave policy is being abused or the employee's length of absence exceeds three full workdays.
- (7) An employee may carry over up to 560 hours of unused sick leave time to the next calendar year.
- (8) An employee leaving or separating from the city will not receive compensation for sick time accrued during employment.
- (9) Upon retirement, the City will contribute up to 560 hours toward the employee's CERS calculations, as per the agreement between CERS and the City of Dayton, or to another retirement fund that the city is contractually obligated to fund if the employee is not a participant in CERS.

## **Compensation (Comp) Time**

- (1) Salaried Employees who work over 40 hours during the payroll week may accrue compensation (comp) time. Comp time may only be used for time off with the permission of the employee's supervisor and/or Mayor. Comp time does not extend (roll over) into the following fiscal year.
- (2) Whenever an employee uses incurs or uses comp time, the employee shall submit a Comp Time Request/Use Form at the end of each month after comp time is incurred or used (HR Form 19).
- (3) Comp time for the last year of employment with the city will be paid to the employee upon termination of employment.

## **Part-time Employee Benefits**

Part-time employees shall receive paid leave at the discretion of the Mayor.

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

- (1) While the Federal Family and Medical Leave Act (FMLA) applies to all public agencies, employees of public agencies must meet all of the requirements of eligibility, including the requirement that the employer employ 50 or more employees for FMLA eligibility. At the time of the initial adoption of this personnel policy (February 7, 2023), the City of Dayton does not employ 50 or more employees at the time of adoption of this policy, so employees are not currently eligible for FMLA.

- (2) If at some point in the future the City employs 50 or more employees, the employee must meet the following criteria to be eligible for FMLA leave:
- (a) The employee must have been employed by the City for at least 12 months within the past seven years prior to the leave, unless the break in service is due to an employee's fulfillment of military obligations; and
  - (b) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding FMLA leave. Any hours employees would have worked but for time spent in the military Reserves or National Guard shall be considered part of the 1,250 required hours.
- (3) Qualifying employees are eligible to take up to a maximum of 12 weeks of job-protected leave from the City in any rolling calendar year. A rolling calendar year consists of any 12-month period measured backward from the start date of the requested leave. The leave may be paid, unpaid, or a combination of both, depending upon the employee's leave balances. Employees are entitled to 12 weeks of leave for the following reasons:
- (a) The birth or adoption of a child or placement of a child with the employee for foster care. The leave must be taken in the 12 months immediately following the birth, adoption, or placement of the child;
  - (b) To care for the employee's spouse, child, or parent who has a serious health condition;
  - (c) A serious health condition which renders the employee unable to perform the functions of his or her position; or
  - (d) To allow an employee to deal with a "qualifying exigency" relating to the military deployment of a spouse, child, or parent. A qualifying exigency includes:
    - 1. Short-notice deployment;
    - 2. Military events and related activities;
    - 3. Childcare and school activities;
    - 4. Financial and legal arrangements;
    - 5. Counseling;
    - 6. Rest and recuperation;
    - 7. Post-deployment activities; and
    - 8. Additional activities arising from the military duty, provided that the employer and employee agree that such leave shall qualify as an exigency and agree to the timing and duration of such leave.
- (4) Employees are entitled to 26 weeks of leave within a 12-month period to take care of an injured service member, who is their nearest blood relative. This also extends to include family members of veterans who were members of the Armed Forces (including the National Guard or Reserves) at

any point in time within five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy. For purposes of calculating leave entitlement, the 12-month period begins on the first day the eligible employee takes FMLA leave to care for the covered service member.

- (5) In any event where FMLA qualifying leave is foreseeable by the employee, the employee shall provide his or her immediate supervisor with advance notice of the leave request by submitting a FMLA Leave Request Form (HR Form 04). In many instances, the need for FMLA leave may not be foreseeable by the employee. In those instances, the employee's immediate supervisor or department director shall notify the City Clerk so that the City may designate the leave as FMLA qualifying for the employee.
- (6) The City shall require the following information be submitted in conjunction with a request for FMLA leave or where the City has designated the leave as FMLA qualifying:
  - (a) An FMLA Medical Certification Form will be required if FMLA leave is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided, including a reason for the delay. The City, at its expense, may require an examination by a second healthcare provider designated by the City if the City has a reasonable question regarding the medical certification provided by the employee.
  - (b) The City will require medical updates at least every 14 days during an employee's FMLA leave for a serious health condition through the submission of HR Form 05.
  - (c) The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active-duty status of a covered military member, the City will require the employee to provide a copy of the covered military member's active-duty orders or other military documentation that indicates the appropriate military status and the dates of the active-duty status.
- (7) Employees must use any accumulated sick, vacation, personal time, compensatory leave time, or other paid leave to the extent available during the FMLA leave period, unless such leave is covered under workers' compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of the employee's total accumulated leave will be treated as leave without pay, except in situations where the employee is eligible for Sick Leave bank time as provided under Section 8 of this Handbook.
- (8) The City will require employees returning from FMLA leave for a qualifying event related to the employee's serious illness to provide a medical release to return to work (HR Form 06). Upon return from FMLA leave, the employee will be restored to his/her original or an equivalent position. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned his/her position with the City.
- (9) The City will maintain healthcare benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution for any portion of leave that

is unpaid. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the organization for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.

- (10) It may be medically necessary for some employees to use intermittent FMLA leave. The City will work with employees to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or their own serious medical condition.
- (11) Since leave taken because of the birth or adoption of a child must be completed within the 12-month period beginning on the date of birth or placement of the child, FMLA leave taken for this purpose may not be taken intermittently.

## Maternity and Parental Leave

- (1) The City recognizes that employees may need to be absent from work to care for a newborn child or new adopted or foster child (referred to as "parental leave" in this policy), or due to a pregnancy-related condition (referred to as "pregnancy leave" in this policy). The City provides pregnancy and parental leaves of absence to all eligible employees in accordance with the Family and Medical Leave Act (FMLA), Pregnancy Discrimination Act (PDA), Americans with Disabilities Act (ADA), and any applicable state law.
- (2) The City Clerk 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 the City Clerk.
- (3) 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 or the City Clerk. 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.
- (4) Written notice is preferred, but not required.
- (5) If you are suffering from a pregnancy-related disability and require reasonable accommodation (which may include leave) for this purpose, please speak with your department supervisor and/or the City Clerk to discuss a reasonable accommodation. You may be required to submit medical certification of your disability.
- (6) 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 or parental leave will receive the same rights and benefits as employees on an unpaid leave of absence.



- (7) Your job will be held for you in accordance with applicable law while you are on pregnancy or parental leave.
- (8) If you are on pregnancy-related disability leave, when you are able to return to work, you must submit a doctor's certification stating you are medically able to return to your normal duties. Your continued absence from work beyond your required disability leave period (as determined by your physician) and exhaustion of all other available leave may be deemed a voluntary abandonment of your job.
- (9) Nothing in this policy requires the City to re-employ individuals who are not eligible for re-employment rights under applicable law.
- (10) The City prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's pregnancy or parental leave. Specifically, no one will be denied employment, re-employment, 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.
- (11) The City is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of our efforts largely depends 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 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.

## Adoption Leave

An employee adopting a child under the age of seven shall be granted reasonable personal leave. However, this unpaid personal leave shall not exceed six weeks pursuant to KRS 337.015.

## Bereavement Leave

- (1) All full-time City employees shall be eligible for paid bereavement leave in the event of death in the employee's immediate or extended family. Bereavement leave shall be granted on the following basis:
  - (a) An employee shall be authorized for up to three days of paid bereavement leave in the event of death in the employee's immediate family. For the purposes of this paragraph "immediate family" shall mean the employee's parents, spouse, children, grandparents, grandchildren, brother, sister, spouse's parents, or anyone permanently residing with the employee.

- (2) Whenever the use of bereavement leave is necessary, the employee shall provide advance notice to his or her immediate supervisor and the employee shall submit an Absentee Request Form (HR Form 24) in accordance with Section 6 of this Handbook. When possible, the employee shall submit HR Form 24 in advance of the leave. Otherwise, the employee shall submit the HR Form 24 immediately upon return to work.

## Unpaid Leave of Absence

- (1) All employees with two or more years of City employment are eligible to request an unpaid leave of absence.
- (2) A request for a short-term leave of absence for a period of one month or less shall be submitted in writing to the employee's department supervisor. The department supervisor, in consultation with the Mayor and/or City Administrator, will decide whether to grant the leave request based on the reasons for requested leave and the needs of the department. If granted, the employee will not be compensated but will continue to receive all other benefits of employment during the duration of short-term leave.
- (3) A request for a long-term leave of absence for a period of more than one month but less than one year shall be submitted to the employee's department supervisor. The department supervisor, in consultation with the Mayor and the City Administrator, will decide whether to grant the leave request and other terms of the leave depending upon the reasons for the requested leave and the needs of the department and the City. If granted a long-term leave of absence, an employee will not be compensated and will not receive any other employee benefits provided by the City. However, the employee may, subject to the terms and conditions of the specific plan, continue health, life, and disability insurance coverage, and retirement plan coverage, upon payment by the employee of the applicable contributions or premiums during the period of the absence.

## Jury Duty and Court-Ordered Appearances

- (1) The City encourages employees to fulfill their obligation as citizens when called for jury duty or to comply with a court or administrative subpoena. An employee that is required to attend jury duty or comply with a court or administrative subpoena during his or her regular working hours at the City shall be paid his or her full salary for the period of such service. An employee involved in litigation or court proceedings as a plaintiff or petitioner or who is not appearing before the court as a result of a duly issued subpoena shall not be eligible for the paid leave provided under the provisions of this policy but may be permitted to use annual or compensatory leave time for such absences as provided in Section 6 of this Handbook.
- (2) The employee must provide a copy of the summons or subpoena to his or her immediate supervisor as soon as possible after receiving such notice.

- (3) The employee shall submit Absentee Request Forms (HR Form 24) in accordance with Section 6 of this Handbook showing the dates and times out of the office necessitated by the court order or subpoena.
- (4) Any employee excused by the court during his or her normal working hours shall contact his or her immediate supervisor to determine if he or she will be required to work the remainder of his or her normal work schedule.

## Voting Leave

- (1) The City encourages its employees to vote on Election Day. To facilitate efficient scheduling and management of the office workload, an employee voting in person shall request voting leave from the employee's supervisor at least one day in advance of the election date or one day in advance of the date on which the employee appears before the county clerk to request an application for or to execute an absentee ballot or does early voting.
- (2) The supervisor shall grant a reasonable period of voting leave (not less than four hours, if specifically requested by the employee) for an employee who is qualified to vote and who has requested voting leave in accordance with this policy. The City will compensate the employee for the leave. The supervisor shall specify the hours during which the employee may be absent.
- (3) Prior to using voting leave, the employee shall submit an Absentee Request Form (HR Form 24) in accordance with Section 6 of this Handbook showing the times the employee has been approved to be out of the office for voting leave.
- (4) An employee who requests and takes voting leave, but who fails to vote without an acceptable reason, shall be subject to disciplinary action.

## Military Leave

- (1) The City will comply with the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the provisions of KRS 61.373 through 61.377 and KRS 61.394. USERRA grants military leave for employees, and in most cases, reinstatement rights regardless of whether the service is voluntary or involuntary.
- (2) Under KRS 61.394 all City employees who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while:

- (a) In the performance of duty or training in the service of a state or of the United States under competent orders as specified in this section;
  - (b) Physically disabled as a result of an injury, illness, or disease incurred or aggravated in the line of duty while performing active-duty or inactive-duty training; or
  - (c) Entitled to incapacitation pay pursuant to 37 U.S.C. sec. 204.
- (3) Leave pursuant to paragraphs (b) and (c) of this subsection shall not exceed six (6) months unless approved by the employee's appointing authority. In any one federal fiscal year, employees, while on military leave, shall, upon request, be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.
  - (4) As the laws change, or as interpretations of the laws change, military leave benefits for the City employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, an employee should consult with his or her immediate supervisor or the City Clerk for details regarding his or her military leave rights as a City employee.
  - (5) Unless precluded by military necessity, an employee shall provide written notice to his or her immediate supervisor as soon as possible regarding the need for military leave.
  - (6) Employees called to active duty, should fill out the Active-Duty Military Leave Notification (HR Form 21) as soon as practicable. Failure to complete this form may serve as a basis for not allowing military leave.

# **Section 9**

## **HR Forms**

# HR Form 01

## HANDBOOK ACKNOWLEDGEMENT FORM

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

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

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

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Employee Name

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Employee Signature

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Date

# HR Form 02

## City of Dayton Time Sheet

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

Pay Period Beginning: \_\_\_\_\_

Pay Period Ending: \_\_\_\_\_

Date	Time In	Time Out	Regular	Overtime	Vacation	Sick	Holiday	Other	Personal
Wednesday __/__/__									
Thursday __/__/__									
Friday __/__/__									
Saturday __/__/__									
Sunday __/__/__									
Monday __/__/__									
Tuesday __/__/__									
<b>Total Hours:</b>									

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

Supervisor Signature: \_\_\_\_\_

City Administrator Signature: \_\_\_\_\_

Comments: \_\_\_\_\_

**For Office Use Only:**

Regular: \_\_\_\_\_

Overtime: \_\_\_\_\_

Vacation: \_\_\_\_\_

Sick: \_\_\_\_\_

Holiday: \_\_\_\_\_

Other: \_\_\_\_\_

Personal: \_\_\_\_\_

# HR Form 03 -REPORT OF WORK-RELATED INJURY

## IA-1 WORKERS COMPENSATION – FIRST REPORT OF INJURY OR ILLNESS

General	Employer (Name & Address incl. zip)		Carrier/Administrator Claim Number		Report Purpose Code						
	Sic Code		Employer FEIN		Phone No.						
	Jurisdiction		Jurisdiction Claim Number		Insured Report Number						
	Employer's Location Address (if different)		Location No.		Phone No.						
Carrier/Claims Admin	Carrier (Name, Address & Phone Number)		Policy Period		Claims Admin (Name, Address & Phone Number)						
	Carrier FEIN		Policy Number or Self-Insured Number		Administrator FEIN						
	Agent Name & Code Number		To		<input type="checkbox"/> Check if self insured						
Employee/Wage	Legal Name (Last, First, Middle)		Date of Birth	Social Security Number		Date Hired		State of Hire			
	Address (Incl. Zip)		Sex		Marital Status		Occupation/Job Title				
	Phone		No. of Dependents		Unknown		NCCI Class Code				
	Wage Rate \$		<input type="checkbox"/> Day <input type="checkbox"/> Week		<input type="checkbox"/> Month <input type="checkbox"/> Other		# Days Worked/WK		# Hrs Worked per Day		
	Full Pay for Date of Injury?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Did Salary Continue?		<input type="checkbox"/> Yes <input type="checkbox"/> No				
Occurrence	Time Employee Began Work		<input type="checkbox"/> AM <input type="checkbox"/> PM		Date of Injury or Illness		Time Occurred		<input type="checkbox"/> AM <input type="checkbox"/> PM		
	Last Work Date		Date Employer Notified		Date Disability Began						
	Employer Contact Name/Phone Number				Type of Illness/Injury			Part of Body Affected			
	Did Injury/Illness Exposure Occur on Employer's Premises?				Yes <input type="checkbox"/> No <input type="checkbox"/>		Type of Illness/Injury Code			Part of Body Affected Code	
	Department or location where accident or illness exposure occurred					All Equipment, Materials, or Chemicals Employee was using when accident or illness exposure occurred.					
	Specific Activity the Employee was engaged in when the accident or illness exposure occurred.					Work Process the Employee Was Engaged in when accident or illness exposure occurred.					
How injury or illness/abnormal health condition occurred. Describe the sequence of events and include any objects or substances that directly injured the employee or made the employee ill.								Cause of Injury Code			
Date Returned to Work		If Fatal, Date of Death		Were Safeguards or Safety Equipment Provided?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Were they used?			
						<input type="checkbox"/> Yes <input type="checkbox"/> No					
Treatment	Physician/Health Care Provider (Name & Address)			Hospital (Name & Address)			Initial Treatment				
							0 <input type="checkbox"/> No Medical Treatment 1 <input type="checkbox"/> Minor: By Employer 2 <input type="checkbox"/> Minor Clinic/Hosp 3 <input type="checkbox"/> Emergency Care 4 <input type="checkbox"/> Hospitalized > 24 hr. 5 <input type="checkbox"/> Future Major Medical/Lost Time Anticipated				
Other	Witness to Accident (Name & Phone Number)										
	Date Administrator Notified		Date Prepared		Preparer's Name & Title			Preparer's Phone Number			
IA-1 (2/95)		SEE NEXT PAGE FOR IMPORTANT STATE INFORMATION/SIGNATURE									

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

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

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

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

Reason for denial:

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

Copies to:      Employee Personnel File  
                    Employee  
                    Manager/Director

# HR Form 04

## FAMILY AND MEDICAL LEAVE ACT LEAVE REQUEST FORM\*

I \_\_\_\_\_, request to be placed on the City's Family and Medical Leave of Absence for the following reason:

**Reason for Leave of Absence (Check appropriate category or categories below)**

The birth of a child, or placement of a child with me for adoption or foster care.

My own serious health condition.

Because I need to care for  spouse;  child;  parent due to his/her own serious health condition.

Because of a qualifying exigency arising out of the fact that my spouse; son or daughter; parent is on active-duty status in support of a contingency operation as a member of the National Guard or Reserves.

Because I am the  spouse,  son,  daughter,  parent,  next of kin of a covered service member with a serious injury or illness.

Family and Medical Leave Start Date \_\_\_\_\_

Family and Medical Leave End Date \_\_\_\_\_

Request for Intermittent Family Medical Leave, or reduced work schedule, including duration (cannot be used for birth of a child, a placement of child for adoption or foster care).

I understand that I must first use all of my personal, vacation, and compensatory time and accrued sick leave.

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

Executive Authority Approval \_\_\_\_\_ Date \_\_\_\_\_

**\* FMLA currently does not apply to the City of Dayton. This leave will only be eligible when the City employs more than 50 employees. See page 92 of this policy.**

**HR Form 5**  
**FMLA MEDICAL UPDATE FORM\***

**For Completion by the HEALTH CARE PROVIDER**

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

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** The employee listed above is either your patient or is requesting continuation of leave under FMLA to care for your patient. Based on the attached original Medical Certification for FMLA please advise as to any changes since the last certification was filled out by you. Answer, fully and completely, all applicable changes. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee or employee’s family member is seeking continued leave. Please be sure to sign the form on the last page.

Provider’s Name and Business Address \_\_\_\_\_  
\_\_\_\_\_

Type of Practice/Medical Specialty:

Telephone (    ) \_\_\_\_\_ Email address: \_\_\_\_\_

**CHANGES IN MEDICAL CERTIFICATION:** Identify question number in the original certification with your response.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Signature of Healthcare Provider**

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

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

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 CFR § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.**

\* **FMLA currently does not apply to the City of Dayton. This leave will only be eligible when the City employs more than 50 employees. See page 92 of this policy.**



3. Are the medically necessary restrictions permanent or temporary? If temporary, please describe an anticipated timeline for the employee to reach maximum medical improvement.

\_\_\_ Permanent \_\_\_ Temporary

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4. If the medical condition of the employee will change over time, please describe these changes as they relate the capability of the employee to perform the essential functions of his or her job.

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5. Is there other information related to work that the City should be aware of that would assist the employee in a successful return to active employment?

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Name of Health Care Provider: \_\_\_\_\_

Specialty: \_\_\_\_\_

Address: \_\_\_\_\_

Signature of Health Care Provider: \_\_\_\_\_

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

**\* FMLA currently does not apply to the City of Dayton. This leave will only be eligible when the City employs more than 50 employees. See page 92 of this policy.**

# HR Form 7

## FINANCIAL DISCLOSURE/CONFLICT OF INTEREST FORM

### Purpose

Pursuant to policy adopted by the City, every elected official, employee, city board or commission member of the City is required to complete and sign a Financial Disclosure/Conflict of Interest Statement annually or an Amended Statement any time a potential conflict of interest may arise.

Please Check One      \_\_\_ Annual Statement      \_\_\_ Amended Statement

### Director/Employee Information

Name \_\_\_\_\_

Position: (check all that apply)

- City Board/Commission member
- Elected Official
- Non-elected Officer or Employee

Current Address

a. Business Address (including phone number) if other than City

\_\_\_\_\_

b. Home Address

\_\_\_\_\_

Occupation(s)

a. Officer/Board Member/Employee

\_\_\_\_\_

b. Spouse of Officer/Board Member/Employee

\_\_\_\_\_

### Financial Disclosure

Please disclose, for you or any immediate family member (defined as a spouse, parent, sibling, grandparent, grandchild, or child), any financial interest in any company or firm that does business with

CITY, any entity that is organizationally related to CITY, or any Kentucky city. For purposes of answering this question, "financial interest" does not include any agreement, arrangement or relationship which is based on terms offered to the general public (i.e., bank accounts).

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Please disclose if interest listed above is greater than or equal to five (5) percent.

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**Conflicts of Interest**

Please disclose, for you or any immediate family member (defined as a spouse, parent, sibling, grandparent, grandchild, or child), the following:

1. Any personal financial interests, direct or indirect, not listed in answer to the "Financial Disclosure" section above, that could conflict or appear to conflict with the director/employee's duties and responsibilities to CITY or any of its related organizations.

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2. Any acceptance of employment or compensation from any members (other than the city you represent as a city official), contractors, supplier, or vendors.

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3. Any interest in property, tangible or intangible, or any other assets or business that may constitute or cause a conflict of interest with your duties as a City employee, official or Board member.

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**Notice**

Any employee or official who knowingly and willfully provides false, misleading, or incomplete information on this form shall be subject to disciplinary action, up to and including termination. Any Board member who knowingly and willfully provides false, misleading, or incomplete information on this form shall be subject to disciplinary action, up to and including removal from the Board.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**HR Form 8**  
**TRAVEL, MEETING AND CONFERENCE REQUEST FORM**

*This section to be filled out prior to the event.*

Name \_\_\_\_\_

Supervisor Approval \_\_\_\_\_ Executive Approval \_\_\_\_\_

Department \_\_\_\_\_ Meeting Title \_\_\_\_\_

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

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

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

**Name of Spouse/Guest Attending (City Will Not Pay for Spouse Attendance)**

\_\_\_\_\_

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

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

**Hotel Request** \_\_\_ No \_\_\_ Yes \_\_\_ Will make own (must have Executive Authority approval on file)

Hotel other than conference hotel

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

**Travel Request**

Flight Request \_\_\_ No \_\_\_ Yes \_\_\_ Will make own (must have Executive authority approval on file)

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

Car Rental \_\_\_ No \_\_\_ Yes (must have Executive authority approval on file)

**HR Form 9**  
**SERVICE CONTRACT SELECTION REQUEST FORM**

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

Contact Person \_\_\_\_\_

Type of Service \_\_\_\_\_

Estimated Annual Cost to the City \_\_\_\_\_ Renewal \_\_\_ Yes \_\_\_ No

Service Term from \_\_\_\_\_ to \_\_\_\_\_ Renewal \_\_\_ Yes \_\_\_ No

If yes, number of years \_\_\_\_\_

Purpose of Request \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Qualifications (successful candidate must have the following qualifications) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Noncompetitive Negotiation (Emergency exists, single source, replacement parts)

\_\_\_ No \_\_\_ Yes If yes, explain:

\_\_\_\_\_

\_\_\_\_\_

Preferred Service Provider (if any)

\_\_\_\_\_

Why do you prefer or recommend this service provider?

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Selection Group Recommendation

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Competitive Solicitation    Receipt of Quotes    Noncompetitive Negotiation

# HR Form 10 COMPLAINT FORM

## Employee Information

Name \_\_\_\_\_ Job Title: \_\_\_\_\_

## Complaint Information

Date of Occurrence: \_\_\_\_\_

Have you discussed this issue with your Supervisor? \_\_\_ Yes \_\_\_ No

Date(s) of Discussion: \_\_\_\_\_ Supervisor's Name: \_\_\_\_\_

## Issue of Complaint

List specific problem(s)/issue(s).

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For clarification of the issues of your complaint, please provide statements regarding the unfavorable employment condition which is the subject of this complaint. (Describe what happened, when and where, how your employment has been affected, and indicate names of others involved. Attach any supporting documentation.)

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List of persons with knowledge of problem. \_\_\_\_\_

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My signature indicates that the information contained on this form and attachments to this form are true and factual to the best of my knowledge.

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Employee's Signature

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Date

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Signature of City Clerk

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Date Received

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Signature of Executive Authority

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Date Received

## HR Form 11 Expense Report

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

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

Reason for Trip: \_\_\_\_\_

Location: \_\_\_\_\_

Day of Week	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Date	/ /	/ /	/ /	/ /	/ /	/ /	/ /
Breakfast (\$7 per diem)							
Lunch (\$11 per diem)							
Dinner (\$23 per diem)							
Mileage (per IRS rate)							
Total For Day							

**Grand Total:** \_\_\_\_\_

Signature: \_\_\_\_\_

Supervisor Approval: \_\_\_\_\_

Mayor Approval: \_\_\_\_\_

# HR Form 12

## MISSING RECEIPT AFFIDAVIT FORM

(For use with purchasing card for purchases and travel expense transactions)

### USE ONE AFFIDAVIT FOR EACH MISSING RECEIPT

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

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

Vendor \_\_\_\_\_

Detailed Explanation:

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

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

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

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



## HR Form 13

### CHANGE IN PERSONAL INFORMATION FORM

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

Employee Title \_\_\_\_\_

Type of Change

\_\_\_ Address: \_\_\_\_\_

\_\_\_ Phone: \_\_\_\_\_

\_\_\_ Other: \_\_\_\_\_

*Any status changes (i.e., marital status, birth of child, etc.) should be documented on the **Change in Status/Termination Election Form, Section 125 Cafeteria Plan** form as outlined in Chapter 3 of the Employee Handbook.*

**HR Form 14**  
**DISCIPLINARY FORM**

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

Supervisor \_\_\_\_\_ Position \_\_\_\_\_

The Following is:

\_\_\_\_\_ Oral Warning                      \_\_\_\_\_ First Written Warning

\_\_\_\_\_ Second Written Warning                      \_\_\_\_\_ Suspension

Problem: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Recommended Action to Correct Problem: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

My signature indicates I have been informed of a problem with my performance on the job and that I understand the recommended action which should be taken to correct my behavior.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the Executive Authority

\_\_\_\_\_  
Date

**Failure to correct this behavior will result in further progressive discipline up to and including termination of your employment.**

# HR Form 15

## PERSONAL MILES FORM

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

**Make and Model of Vehicle:** \_\_\_\_\_

Lease Value of Vehicle \_\_\_\_\_ (1)

Estimated Total Miles \_\_\_\_\_

Estimated Percentage (%) of Personal Miles \_\_\_\_\_ (2) (1 x 2)

(a) Personal Miles \_\_\_\_\_

(b) Personal Miles @  
current IRS mileage rate \_\_\_\_\_

\_\_\_\_\_ (a x b)

(c) Total Annual Allocated \_\_\_\_\_

I hereby acknowledge and understand that the estimated amount that will be added to income on an annual basis.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Accounts Payable & Payroll Administrator

\_\_\_\_\_  
Date

**HR Form 16**  
**BACKGROUND CHECK RELEASE FORM**

I, give the City of \_\_\_\_\_ my permission to conduct a criminal background and / or credit check using my name and personal information.

I understand the information given and received will be kept confidential and may affect employment offering.

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

Maiden name (if applicable) \_\_\_\_\_

Other Former Names (list all, if applicable) \_\_\_\_\_

Birthdate \_\_\_ / \_\_\_ / \_\_\_\_\_

Social Security No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

Driver's License No./Issuing State \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# HR Form 17

## DRIVER'S LICENSE BACKGROUND CHECK RELEASE FORM

(Obtain from KYTC at <https://dhr.ky.gov/DHRWeb/dhrinfo.jsp>)

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

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

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

Maiden name (if applicable) \_\_\_\_\_

Other Former Names (list all, if applicable) \_\_\_\_\_

Birthdate \_\_\_/\_\_\_/\_\_\_\_\_

Social Security No. \_\_\_\_-\_\_\_\_-\_\_\_\_\_

Driver's License No./Issuing State \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# HR FORM 18

## DRUG-FREE WORKPLACE POLICY ACKNOWLEDGEMENT

I. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited within the workplace of the City of Dayton, Ky. (See Section (9) of the Drug and Alcohol-Free Workplace Policy contained within the Employee Handbook).

II. Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate disciplinary action against such an employee up to and including termination or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.

III. Each employee is required as a condition of employment to abide by the terms of item number I; and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

IV. The city shall notify the granting agency within 10 days after receiving notice of a conviction under item number III from an employee or otherwise receiving actual notice of such conviction.

V. The city shall, within 30 days after receiving notice from an employee of a conviction pursuant to item III or IV, take appropriate disciplinary action against such employee, up to and including termination;

VI. The city also assures to make a good faith effort to continue to maintain a drug-free workplace through implementation of items I, II, III, IV and V.

### CERTIFICATION AND ACKNOWLEDGEMENT

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

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

Dated: \_\_\_\_\_

# HR FORM 20

## ACTIVE-DUTY MILITARY LEAVE NOTIFICATION FORM

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

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

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

If leave is expected to extend beyond your paid leave, do you wish to continue your voluntary benefits?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please list the benefit and amount below:

(Examples: FSA, Life Insurance, Family Health Insurance, United Way payroll deductions)

Benefit	Amount
_____	_____
_____	_____
_____	_____

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

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

Payments are due as follows:

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

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

Written Order attached? \_\_\_\_\_ Yes \_\_\_\_\_ No

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

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

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Executive Authority Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*

Office Use Only:

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

Copy to payroll: \_\_\_\_\_

Copy of orders: \_\_\_\_\_ (attach)



# HR FORM 22

## REASONABLE SUSPICION CHECKLIST/REPORT

Name of Observed Employee \_\_\_\_\_

Location \_\_\_\_\_

Time \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. Date \_\_\_\_\_

When there is reasonable suspicion that an employee at work is unfit for duty, the supervisor or manager observing the behavior as well as another supervisor/manager as witness, if possible, must complete the checklist below. Where "Other" is checked, please describe.

### Observation Checklist

Walking:  Holding on  Stumbling  Unable to walk  
 Unsteady  Staggering  Swaying  
 Falling  
 Other \_\_\_\_\_

Standing:  Swaying  Feet wide apart  Unable to stand  
 Rigid  Staggering  Sagging at knees  
 Other \_\_\_\_\_

Speech:  Whispering  Slurred  Shouting  
 Incoherent  Slobbering  Silent  
 Rambling  Mute  Slow  
 Other \_\_\_\_\_

Demeanor:  Cooperative  Calm  Talkative  Polite  
 Sarcastic  Sleepy  Crying  
 Sleeping on job  Argumentative  Excited  
 Other \_\_\_\_\_

Actions:  Hostile  Fighting  Profanity  Drowsy  
 Threatening  Hyperactive  Erratic  Calm  
 Resisting communication  
 Other \_\_\_\_\_

Eyes:  Bloodshot  Watery  Droopy  Dilated  
 Glassy  Closed  
 Other \_\_\_\_\_

Face:  Flushed  Pale  Sweaty  
 Other \_\_\_\_\_

Appearance/  
Clothing:  Neat  Unruly  Messy  Dirty  
 Stains on clothing  Odor  Partially dressed  
 Bodily excrement stains  
 Other \_\_\_\_\_

Breath:  No alcoholic odor  Faint alcoholic odor  Alcoholic odor  
 Sweet/pungent tobacco odor  Heavy usage, breath spray  
 Other \_\_\_\_\_

Movements:  Fumbling  Jerky  Nervous  
 Slow  Normal  Hyperactive  
 Other \_\_\_\_\_

Eating:     Gum             Candy             Mints

Chewing:     Other

Presence of alcohol and/or drugs in associate's possession or vicinity

On-the-job misconduct by employee

Employee admission concerning alcohol use and/or drug use or possession

If there are witnesses to employee's conduct, list below:

Other observations: (if accident, provide details)

Employee's explanation of reasons for their conduct:

Once above portion of form has been completed by you and a witness, you are now ready to take a position with the employee. Be certain to follow company procedures as outlined in our drug-free policy.

(Check one)

Employee has agreed to testing

Employee has *not* agreed to testing

\_\_\_\_\_  
Supervisor/Manager Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

[Additional forms to be placed here.]