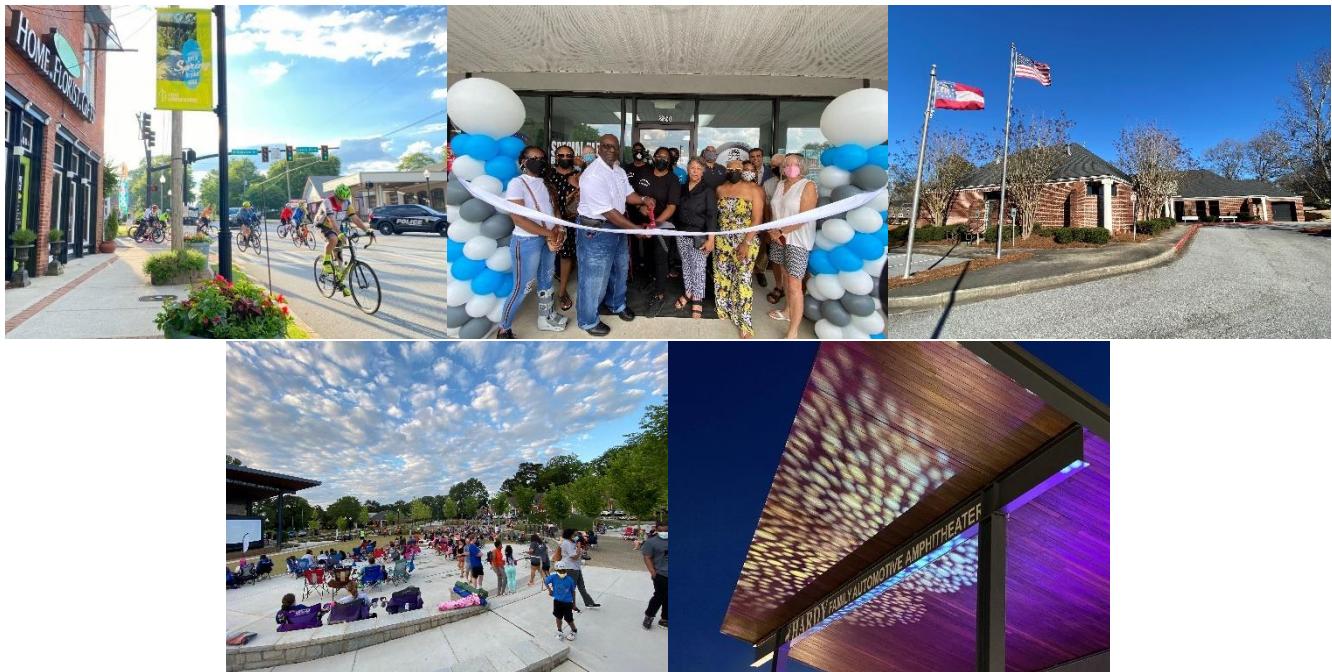




Inspired. Invigorated. Innovative.



## Employee Handbook and Personnel Policy Manual

Revised 11/04/2024

# Preface

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This employee handbook and personnel policy manual was prepared as a general guide to benefits, services, policies and procedures. It is applicable to all regular – full-time City of Powder Springs employees and supersedes all previous personnel handbooks. Department specific policies are intended to supplement the policies presented in this manual and should be consulted for policies that are specific to your department or job functions. In the event of a conflict or inconsistency, these policies shall prevail.

The City of Powder Springs reserves the right to, at any time, redefine eligibility for benefits, amend, construe, terminate, or modify the handbook, or make exceptions to the application of any of its provisions in particular situations. The language used in this handbook is not intended to create, nor is it to be construed to constitute, a contract between the City and anyone, or all, of its employees. Employment with the City continues to be at will. At-will employment means that either you or the City may terminate the employment at any time for any reason, with or without cause.

As policies change, new pages will be issued to replace outdated ones. Please make every effort to keep your copy current. The City reserves the right to correct errors and omissions to the policies contained in this manual that may have occurred during its typing.

Each employee is responsible for familiarizing him/herself with each and every policy in this manual, and is also expected to direct any questions about specific policies to their department head, supervisor or the Human Resources Director.

Each employee's signature of receipt acknowledges that he or she has received a copy of this entire document and all of its contents and policies and that he/she is responsible for reviewing the entire manual within 30 days of commencing employment.

This handbook is also available online at the City's employee portal, [Powder Springs, GA - Official Website](http://www.cityofpowdersprings.org/) (<http://www.cityofpowdersprings.org/>).

# *Introduction*

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## **I. APPLICABILITY OF POLICIES**

This Employee Handbook and Personnel Policy Manual does not constitute an employment agreement or contract between any employee and the City of Powder Springs (the City), nor does it create any other enforceable entitlements or expectations, including constitutionally protected property interests. This Policy Manual applies to all employees of the City, excluding elected and appointed officials except as expressly stated otherwise, or inasmuch as this manual conflicts with the City Charter.

## **II. VIOLATION OF POLICIES**

It is the policy of the City to expect all employees to comply with all personnel policies, state and federal laws, and local ordinances. Any employee violating these personnel policies or applicable law may be subject to corrective and/or disciplinary action, including dismissal, in addition to any penalty that may be imposed for the violation of the same.

## **III. EFFECTIVE DATE OF POLICIES**

These policies shall become effective upon adoption of an ordinance by the Mayor and the Council and shall supersede any previously existing personnel policies. All policies, codes, standard operating procedures, ordinances, or parts of policies, procedures, codes or ordinances in conflict with these policies are herewith repealed.

## **IV. ADMINISTRATION OF POLICIES**

The City Manager, as the chief administrative officer, is responsible for administering and enforcing these policies.

## **V. AMENDMENTS**

If and when it seems advisable in the interest of good administration, the Mayor and Council may make additions to, amend, or make exceptions to these policies.

## **VI. ACCESS TO PERSONNEL RECORDS**

A City employee may submit a written request to Human Resources to examine their personnel records. Human Resources must honor that request within a reasonable period of time. Review of personnel records must be made during regular working hours in the presence of staff assigned to monitor such activity.

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# *Statement from the Mayor*

## *Albert Thurman*

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As mayor of the great City of Powder Springs, I am excited to serve and work with you on behalf of our citizens. You, the employees, are the City's greatest asset; and whether you are new to the organization or have been on staff for some time, you are integral to the City's overall mission.

This reference guide serves as your employee handbook and personnel policy manual. It is designed to provide information about policies and procedures that govern your employment, identify employee benefits and explain your rights and responsibilities as an employee of the City of Powder Springs. You should familiarize yourself with the content contained herein and reach out to our Department of Human Resources, should you have any questions about the policies or information presented in this guide.

I am pleased that we are taking this journey together as we continue to make Powder Springs the best that it can be!

Appreciatively,

Al Thurman, Mayor  
City of Powder Springs



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# *History of Powder Springs*



Founded in 1838 as the Town of Springville, GA, Powder Springs is on the cusp of celebrating its 175th Anniversary, as a city! Ours is a colorful history, to say the least! It is the story of the relationship between the people and the seven springs located in the area.

Before white settlers discovered the beauty of the rolling countryside and the richness of the soil, the springs were well known to both Creek and Cherokee Indians, who called the site Gunpowder Springs because of the gunpowder-like sediment, which is the result of the twenty-six known minerals, found in the spring's waters. The sediment was said to be "as dry as powder" when the water ran off and had been used by the Indians for medicinal purposes.

Settlers came in large numbers when the Cherokee Indians left the area and land was available by the Gold Lottery. No evidence exists of any problems between the Indians and white settlers who first began populating the area in the early 1800's; perhaps one of the earliest suggestions of the "curative" powers of the water in the springs. One of the oldest communities in the county, the log-house settlement that clustered around the springs as early as 1819, soon became a center for commerce and the first sawmill was set up in 1838, with the first frame house being erected in 1839.

On December 29, 1839, the community was incorporated under name of Springville and the first Post Office was established. The town remained a mineral springs resort through the 1850's, and was a prosperous self-sufficient farm community from 1870 to 1920. The name of the town was changed when the original city charter was repealed in 1850, and re-incorporated as POWDER SPRINGS in 1859. Exactly why the charter was repealed is not quite clear. What is clear, though, is that the residents of Springville were not satisfied with the name, as many had continued to call the town "the Springs" up until the new charter was established.

The springs have been an integral part of the life of the people who have made Powder Springs their home, from its days as a resort and health retreat to the later prosperity and loss of King Cotton.

Today, the City of Powder Springs has grown into a quaint community, only 20 miles from Metro Atlanta, of approximately 17,000 people. Our City offers a quiet, serene, and active lifestyle, while having the convenience of all the amenities of a major metropolitan area. The City of Powder Springs operates under the Mayor and Council form of government, and is divided into 3 wards. Each ward elects a member of the council to represent them. Two additional council members are elected at-large and represent the city as a whole.



# *Chapter I*

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## *Federal and State Laws & Regulations*



## **1.1 AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Powder Springs complies with the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act. The City shall not discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee



*If you have a disability and need an accommodation to perform your job duties or to receive any regular benefit or condition of employment, you should make the request to your supervisor in a written note or memo or by using a special form. Any other person may assist in making this request.*

compensation, job training, and other terms, conditions, and privileges of employment. If an employee has a disability and needs an accommodation to perform his or her job duties or to receive any regular benefit or condition of employment, the employee should make the request to his or her supervisor in writing. Any person may assist the employee in making the request.

The City is committed to providing reasonable accommodations to qualified individuals with disabilities, as required by law, unless it would impose an undue hardship on the City. If you have a disability, you may request a reasonable accommodation at any time during the application process or during the period of employment. You, your health professional, or any other representative acting on your behalf may request an accommodation. This may be done verbally or by completing a reasonable accommodation request form. This form may be obtained from the HR Director.

## **1.2 CERTAIN RECORDS TO BE PUBLIC**

It is the policy of the City to comply with the Georgia Open Records Act (O.C.G.A. §§ 50-18-70 et. seq.). Employees should be aware that some of their personnel information might be subject to disclosure under this law. Records relating to an employee's benefits and other specified personal information are not subject to disclosure.

Responses for affected records will be provided within three (3) working days from the date of the request. A fee will be charged to the requestor in accordance with Georgia law.

## **1.3 HEALTH INSURANCE PORTABILITY and ACCOUNTABILITY ACT (HIPAA)**

The City of Powder Springs complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and follows guidelines involving the protected health information of employees, dependents and patients.

## **1.4 DRUG AND ALCOHOL-FREE WORKPLACE**

It is the policy of the City to maintain a drug and alcohol-free workplace. The unlawful manufacture, distribution, dispensation, purchase, possession, or use of controlled substances or alcohol on the City's premises, in City vehicles, while on duty or in uniform is strictly prohibited.

All employees, as a condition of employment, are required to adhere to the terms of the full policy, which is located in Appendix B. Violation of this policy is considered grounds for dismissal.

## 1.5 WORKER'S COMPENSATION

Workers' Compensation covers injuries "by accident arising out of and in the course of the employment and shall not, except as otherwise provided, include a disease in any form except where it results naturally and unavoidably from the accident."



***You must report workplace accidents, incidents or injuries to your direct supervisor as soon as possible. You will also have to complete a first report of injury and submit it to the Human Resources Department.***

There are three (3) types of claims. They are:

1. Incident only – This results in no lost time and no medical treatment other than first aid;
2. Medical only – This results in no lost time over 7 days and only minimal medical treatment required. These claims are usually resolved within 6 months; and,
3. Indemnity/Lost Time – This results in lost time exceeding the waiting period of seven (7) days, ongoing medical treatment, subrogation and litigation.

Except in cases of bona-fide emergencies, all medical treatment provided under Worker's Compensation MUST be provided by a physician who appears on the Worker's Compensation Panel of Physicians, as posted in the respective employee's department. The City of Powder Springs will pay medical costs for treatment by the physician(s) that the employee selects from the Panel of Physicians.

If an employee is injured on the job, or has a job related illness while on duty, the employee must notify his/her immediate supervisor, a member of the department's administrative staff or the Human Resources Office as soon as the injury occurs, regardless of the extent of the injury, and when possible, prior to seeking treatment. The injured employee's immediate supervisor or other department personnel must complete a First Report of Injury and forward it to the Human Resources Department via email or fax at (770) 293-0105.

In the case of a bona fide emergency involving severe injury, or when a Panel Physician is not available, the employee should be transported by ambulance to the nearest hospital emergency room to seek immediate medical attention. However, a Panel Physician must thereafter, render all follow-up care, or provide a referral for the same. In all cases, the treating physician will verify employment and eligibility for treatment with the City before commencing treatment, unless the nature of the injury so prohibits. Delay in notification may result in denial of payment for medical services rendered.

In the event an employee is involved in an on the job injury that is NOT a bona-fide emergency, the City will arrange to have the employee driven to the nearest medical facility that he/she selects from the posted Panel of Physicians in his/her department. If the employee desires to obtain medical services from a physician not listed on the Panel he/she may do so; however, he/she will be liable for those medical expenses.

The physician selected from the Panel of Physicians may arrange for appropriate consultations, referrals, and other specialized medical services, as the nature of the injury requires. If the employee is dissatisfied with the physician selected, the employee may make one change without permission to a second physician also listed on the Panel. Upon notification of the employer or its administrator, an Independent Medical Examination may be elected as set forth by the law. However, any further changes require the permission of the employer/insurer, self-insurer claims office, or the State Board of Workers' Compensation.

See Appendix D, Worker's Compensation, for more information and forms.

#### **1.6 EQUAL EMPLOYMENT AND NON-HARASSMENT POLICY**

The City of Powder Springs provides equal employment opportunities for every employee and applicant for employment without regard to race, religion, creed, color, sex, age, national origin, physical or mental disability, citizenship, genetic information, past, current, or prospective service in the uniformed services, or any other characteristics protected by federal, state or local law (Legally Protected Traits).



*If you believe you are the victim of discrimination or harassment, you must report or complain as soon as possible to your supervisor, or to your department head, or to the Human Resources Director. You may decide to which of these three persons the report will be made.*

The City is committed to providing a professional work environment that maintains employee equality, dignity and respect, and free of discrimination and harassment based on any Legally Protected Traits. Offensive or harassing behavior will not be tolerated against any employee.

This policy covers employees, vendors, customers, or others who enter into any City workplace, whether or not to conduct business. Supervisory or managerial personnel are responsible for taking proper and proactive measures to discourage and prevent such behavior in their respective workspaces.

Although the City prohibits harassment of the basis of any Legally Protected Trait, sexual harassment is a form of harassment that warrants special attention. The City specifically prohibits sexual harassment, which is defined in this policy as unwanted attention of a sexual or suggestive nature, including but not limited to, sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Conduct prohibited in this policy will not be tolerated under any circumstances, including cases where the conduct is unwelcome and/or:

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

Other types of behavior that may constitute prohibited harassment include, but are not limited to:

1. Derogatory, vulgar or graphic written or oral statements or jokes regarding race, color, religion, age, sex, national origin, disability, sexual orientation, sexual experience, status as a veteran, or any other characteristics protected by federal, state, or local law; or,
2. Any type of unwanted or unwelcomed physical contact; or,
3. Expectations, requests, demands or pressure for sexual favors; or, compliments, flirtations, advances, propositions, innuendo, suggestions, invitations, or jokes of a sexual nature; or,
4. Offensive physical actions, written or spoken graphic communication (for example, obscene hand or finger gestures, or sexually explicit drawings).

Harassment is considered a form of employee misconduct, therefore corrective and/or disciplinary action, up to and including termination, will be taken against any employee engaging in this type of behavior. Any supervisor or manager who has knowledge of such behavior, yet takes no action to end it, is also subject to corrective and/or disciplinary action.

It shall be the joint responsibility of supervisors, department heads and Human Resources to ensure adherence to this policy. Human Resources will assist in the coordination and implementation of this policy. All supervisors and department heads have the duty of ensuring that no individual or employee is subjected to sexual harassment or any other form of impermissible discrimination, harassment, or retaliation, and of maintaining a workplace free of such impermissible conduct. If a department head or supervisor is notified of a violation of this policy, he/she should immediately report the incident to Human Resources.

The City encourages employees to report all perceived incidents of discrimination, harassment, and retaliation, regardless of the position of the alleged offender. Any employee who wishes to make a complaint about a supervisor, co-worker, visitor, customer or other person should follow these guidelines to bring the matter to the City's attention:

1. Immediately report the incident to your immediate supervisor or your department director or Human Resources. If you are uncomfortable reporting the harassment to Human Resources, or if the complaint is against Human Resources, then the incident should be reported to the City Manager.
2. Your complaint should include the following:
  - a. Description of the harassing behavior
  - b. Name or names of the accused
  - c. When and where the harassing behavior occurred
  - d. What effect the behavior had on you
  - e. Name or names of anyone else who witnessed the behavior, if applicable
  - f. Name or names of anyone else who spoke to about the behavior, if applicable

The complaint will be thoroughly investigated in a professional manner. You will be notified of the results of the investigation as quickly as possible. All investigations will be conducted promptly, thoroughly, and objectively and there will be no discrimination or retaliation against any individual who files a good-faith discrimination, harassment, or retaliation complaint, even if the investigation produces insufficient evidence to support the complaint or if the allegations cannot otherwise be proven.

If an allegation of discrimination, harassment, or retaliation is substantiated or found to be true, appropriate corrective and/or disciplinary action will be taken immediately, including disciplinary action up to and including termination of employment. Internal investigations of all discrimination, harassment, or retaliation allegations, and any actions taken as a result of said investigations, shall be conducted confidentially to the extent practical and legal to protect the privacy of the persons involved.

Retaliation and discrimination against any individual who files a discrimination, harassment, or retaliation complaint, or against any individuals who participates in the investigation of a complaint, is strictly prohibited and shall be regarded as a separate and distinct cause for complaint and discipline under this policy.

#### **1.7 UNIFORMED SERVICES EMPLOYMENT AND RE-EMPLOYMENT RIGHTS ACT (USERRA)**

This policy applies to any regular or working test employee (part-time or full-time) who is a member of the uniformed services, which means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

All regular or working test employees (part-time or full-time) who are members of the uniformed services will be re-employed with the City to the extent required by law.

If an employee leaves his/her job to perform in the uniformed service, he/she has the right to elect to continue his/her existing City health plan coverage for the employee and his/her dependents for up to 24 months while in the military. Even if an employee chooses not to elect to continue coverage during his/her military service, he/she has the right to be reinstated to the City's health plan when he/she is reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

All regular or working test employees (part-time or full-time) who are members of the uniformed services have the right to be free from discrimination and retaliation if he/she:

1. Is a past or present member of the uniformed service;
2. Has applied for membership in the uniformed service; or
3. Is obligated to serve in the uniform service.

As a result of his/her uniformed service status, the City may not deny service members:

1. Initial employment;
2. Re-employment;
3. Retention in employment;
4. Promotion; or
5. Any other benefit of employment

Additionally, the City may not retaliate against anyone assisting in the enforcement of USERRA, even if that person has no service connection.

For additional information on USERRA, employees may contact VETS at 1-866-4-USA DOL or visit their website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.



## *Chapter II*

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### *Powder Springs Policies and Procedures*



## **2.1 DEPARTMENTAL POLICIES**

Departmental operating policies and procedures shall supplement and conform to these personnel policies. In the event of a conflict in any section, these personnel policies shall prevail. Departmental policies are subject to the City Manager's review and approval.

## **2.2 EMPLOYEE CONDUCT AND DRESS CODE**

Employees are expected to exhibit an appropriate style of dress and behavior and maintain personal integrity at all times. Employees should exercise good judgment in their choice of work clothes and conduct themselves in a manner that best represents themselves and the City.

It is the policy of the City that each employee's dress and grooming be appropriate to their work situation or job assignment. Dress codes shall be determined by department heads and submitted to the City Manager for review and approval. Upon approval by the City Manager, dress codes shall be posted conspicuously in each department. Approved dress codes shall be uniformly enforced in each department. Any conflicts arising from established departmental dress codes shall be resolved by the City manager who is the final judge in any question of propriety of dress.

All City Hall employees, and any others who work in offices where employees greet the public, are required to dress in a conventional manner that represents an appropriately professional image to the public. Certain attire is strongly prohibited in all work settings. The wearing of tank tops, halter tops, tube tops, inappropriately tight, revealing or excessively short clothing is not permitted. Casual business attire, including jeans and sport shirts that are neat in appearance, are permitted on days specifically designated for casual attire.

If an employee reports for work inappropriately dressed, the supervisor will instruct the employee to return home to change clothes or to take other appropriate corrective action. Time to obtain and change into appropriate attire will not be treated as work time, and repeated violations of this policy will be cause for further disciplinary action.

## **2.3 VIOLENT BEHAVIOR**

Violent behavior of any kind or threats of violence, either implied or direct, are prohibited by the City and will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. The City will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation against someone who makes a complaint regarding violent behavior, and threats of violence made to him/her, is also prohibited and could result in disciplinary action up to and including termination.

## **2.4 SEAT BELT USAGE STATEMENT**

Except as exempted by the laws of the State of Georgia (O.C.G.A. § 40-8-7.61), all City employees are to wear seatbelts when riding in or driving a City vehicle, when driving or riding in a private or commercial vehicle to conduct City business, as well as when operating any motorized equipment that is equipped with seatbelts while on duty or on City property. Failure to wear a seat belt could result in disciplinary action up to and including termination of employment.



***City vehicles, equipment and supplies are provided to employees in order for them to perform their official duties***

## **2.5 USE OF CITY VEHICLES, EQUIPMENT AND SUPPLIES**

City vehicles, equipment and supplies are provided to employees in order for them to perform their official duties. Disciplinary action may be taken against any employee who abuses, misuses, or misappropriates City vehicles, equipment and supplies.

Portable equipment including notebook computers, cellular phones, and any other portable equipment must be used in accordance with the same policies that govern the use of stationary office equipment.

All electronic and telephonic communication and information systems, and all communication and information transmitted by, received from, or stored in these systems are the property of the City, and as such are to be used solely for job related purposes. To ensure proper use of such equipment and information, these systems may be monitored and are subject to scrutiny by designated City employees, such as department heads and supervisors at any time. Such monitoring may include printing and reading of electronic mail and text messages that are stored in these systems. (See Appendix C for e-Policies).

Use of City equipment (including but not limited to computers and copy machines) for personal or non-job related business is strongly discouraged, and any such use is done so with no expectation of privacy, and only on an exceedingly limited basis.

Abuse or misuse of City equipment or supplies includes but is not limited to:

1. Removal of any City equipment or supplies (from heavy equipment to desk supplies) from the premises for personal use without prior approval from the department head;
2. Use of City equipment or supplies for the purpose of solicitation or performing outside employment business or activities;
3. Use of official City stationary or City logos for personal correspondence or non-job related purposes.

Any evidence of the use of business equipment for illegal purposes, or for the transmission or storage of sexually explicit images, messages, cartoons, ethnic or racial slurs, or anything that may be construed as harassment or as offensive to others based on actual or perceived race, national origin, gender, sexual orientation, age, disability, religious or political beliefs is strictly prohibited and constitutes impermissible conduct subject to disciplinary action, up to and including termination.

An employee shall return all equipment, tools, supplies, vehicles and other property of the City's, i.e., uniforms, in good condition to their immediate supervisor prior to separation from the City. The market value



***An employee shall return all equipment, tools, supplies, vehicles and other property of the City in good condition to their immediate supervisor prior to separation from the City.***

of all City property not returned in good condition may be deducted from the separating employee's final paycheck, to the extent authorized by law.

City officials and all employees who operate city vehicles must immediately report all traffic violations that occur on or off working hours, and/or loss or suspension of driver's license. Traffic violations must be reported to the employee's immediate supervisor and to Human Resources.



***City officials and all employees who operate city vehicles must immediately report all traffic violations that occur on or off working hours, and/or loss or suspension of driver's license. Traffic violations must be reported to the employee's immediate supervisor and to Human Resources.***

City officials and all employees operating City vehicles or motorized equipment shall comply with the following guidelines at all times:

1. Possess and maintain a valid Georgia driver's license;
2. Abide by all traffic safety laws, including the Georgia Safety Belt Law (O.C.G.A. § 40-8-76.1);
3. Understand that all traffic citations received while operating a City vehicle are the responsibility of the driver and not the City;
4. Understand that City vehicles are to be used for official City business only. Personal errands are not allowed while operating a city vehicle;
5. Lock the vehicle at all times when not in use;
6. Ensure records of maintenance and service are properly completed and maintained;
7. Notify the City's police department and the City Clerk's Office as soon as possible if a City vehicle is involved in an accident or damaged, whether on a public street or on private property. In the event of an accident the employee involved must submit to a drug and alcohol test;
8. Keep the vehicle well-maintained, including, but not limited to upkeep, such as inspections, tags, and mechanical maintenance;
9. Ensure that only authorized personnel operate and/or ride in such vehicles;
10. No smoking or tobacco use is allowed in vehicles.
11. Refrain from using any communication device while driving to write, send or read any text based communication, including but not limited to a text message, instant message, email or internet data.



***Employees must notify the City's police department and the City Clerk's Office as soon as possible if a City vehicle is involved in an accident or damaged, whether on a public street or on private property.***

## 2.6 SOCIAL NETWORKING AND SOCIAL MEDIA

The purpose of this policy is to guide employees in the use of public networking in online media to include emailing and texting. This policy covers all employees who participate in online social networking, emailing, and texting whether for official City business or not, as well as every person who accesses the Internet using

City equipment, including its servers, IP addresses, computers, smart phones, or any other tools or methods made available by the City of Powder Springs now or in the future.

The City recognizes the importance of the Internet in shaping public thinking about the City and our current and potential residents, as well as employees. The City is committed to supporting its employees' rights to interact knowledgeably and socially on the internet through blogging and other interactions in social media, emailing, and texting.

Consequently, the guidelines in this social media policy are designed to help each employee to make appropriate decisions about work related and non-work related social media interactions, including but not limited to, blogging and the contents of blogs; comments and commentary on others' blogs; personal websites; postings on wikis and other interactive sites; postings of videos and/or pictures on video and picture sharing sites and elsewhere; and all other manner of known and future Internet or other web-based platforms and content that may end up elsewhere on the Internet, as well as in responding to comments from comment posters either publicly or via email or texting.

The intent of these guidelines is to help open up respectful, knowledgeable interactions between City employees and contractors and the general public through the use of the worldwide web, also known as the Internet, while respecting and protecting the privacy of its employees and contractors. The intent is also to protect the privacy, confidentiality and the interests of the City of Powder Springs. There is no intent to infringe upon the personal interaction or online commentary of the City of Powder Springs Employees or Contractors.

If an employee or contractor is developing a Website or writing a blog and mentions the City of Powder Springs, the employee or contractor must make clear and leave no doubt that he/she is:

1. An employee or contractor of the City and
2. That the views expressed on the blog or Website belong exclusively to the employee or contractor for the City and
3. Not representing the views of the City.
4. This MUST be done on the main information page about the employee or contractor and/or the respective site.

No employee or contractor may speak on behalf of the City unless specific, written authorization or permission is granted and provided by the City Manager.

No employee or contractor may represent or otherwise suggest that he or she is speaking on behalf of the City. As such, as it pertains to commentary about or having anything to do with the City, the author MUST write in the first person and make it clear that he/she is speaking for him/herself and not on behalf of the City.

Employees and contractors are personally responsible for their posts. Employees and contractors should be mindful that anything posted might exist into perpetuity on the Internet, even if they believe that they have deleted or removed unwanted content.

As a courtesy, the City requests that if an employee intends to develop a website, write a blog, or upload blogs that will mention the City that the employee advises his or her department head about this activity with as much advance notice as possible. The department head may choose to visit the website or other

space from time to time to understand the employee's point of view.

Confidential information may not be shared under any circumstances. If an employee or contractor has a question about whether information has been, or may be, released publicly or has doubts of any kind about the propriety of any information, he/she must speak with the department head and the Human Resources Director before releasing information by any means, to include social media, emailing, or text that could potentially harm the City.

Violation of any part of this policy may result in disciplinary action up to and including termination of regular or contractual employment. Any employee or contractor covered by this policy is legally liable for anything that he/she writes via email or text or presents online. Employees may be disciplined by the City for commentary, content or images that are deemed defamatory, pornographic, harassing, libelous, that can create a hostile work environment, or that otherwise violate these policies.

The City and its employees reserve the right to sue other employees or contractors whose expressed views, commentaries, content or images are deemed defamatory, pornographic, proprietary, harassing and libelous, or otherwise create a hostile work environment.

## **2.7 PROHIBITED AND RESTRICTED CAMPAIGN ACTIVITIES**

City employees are in positions created for the public and funded by the public, therefore, the public has the right to expect that the incumbents in the positions will not abuse the trust placed in them by the public. The employees of the City are expected to observe and honor the laws of the State of Georgia and the ordinances of the City of Powder Springs and Cobb County. The following are some of the activities that are either prohibited or restricted:

1. Employees shall not take part in political management or political campaigns during any period of time for which they are expected to be on duty.
2. Employees shall not solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during either employee's hours of duty, service or work with the City.
3. Employees shall not represent the City by wearing any uniform, or portion thereof, that is issued by the City, while participating in any campaign activities, demonstration or political gatherings or while attending any other governmental meeting unless on official business.
4. The City in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties outside of working hours, or to campaign actively during off duty hours in all areas of political activity.
5. Employees shall not utilize any City equipment or vehicles in support of any political campaign.
6. Employees shall not be permitted to seek, nor to participate in the management of affairs of a campaign for any elected office if, in the discretion of the City, such political activity will interfere with the employee's scheduled work time, or would create a conflict or apparent conflict between private interests of the individual and his/her official duties and responsibilities.
7. Employees, who intend to seek or to participate in a campaign for elective office within City government, may be required, at the discretion of the City, to resign or to obtain a leave of absence for the duration of such political activity.

8. No employee of the City shall be a candidate, appointee for, or officer of, a local elective office during employment with the City. City employees shall not engage in any political campaign activities while on duty, while in the workplace, while in uniform or while using a City vehicle. This prohibited activity includes, but is not limited to, distributing information or soliciting contributions or services for any political party, political candidate or organization while on duty. Also included in prohibited activities is the public endorsement of a candidate, such as making a public campaign speech or statement(s) to the news media endorsing a candidate while at work or as a City representative. Additionally, employees may not use City funds, supplies or equipment for such purposes.

**Exceptions to this section:**

Any City employee who, as a normal and foreseeable incident to their principal job or position, performs duties in connection with an activity financed in whole or in part by federal loans or grants, is covered under the Federal Hatch Act (5 U.S.C. § 1501-1508) which prohibits the following:

- (1) use of official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (2) directly or indirectly coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- (3) being a candidate for elective office.

This policy applies to all City employees and failure to comply with the provisions of this section shall be grounds for dismissal.

**2.8 WITHHOLDING/GARNISHMENTS**

Procedures for the garnishment or withholding of wages for support obligations, such as child support, and for other debts, such as federal and state taxes, shall follow federal and state laws.

At the City's discretion, employee may be charged an administrative fee for processing the garnishment.

Employee indebtedness is a personal concern of the employee, but multiple garnishments of an employee's salary create administrative difficulties that may lead to disciplinary action. Employees who have assigned part of their wages for payment of child support will not be subject to disciplinary action.

**2.9 EMPLOYEE/GROUP BENEFITS**

The following information is intended only as a summarized explanation of your current benefits and the applicable plan documents will control. See Human Resources for detailed information for each plan.



*Each employee is responsible for reviewing their own paychecks to ensure that the appropriate benefit deductions have been taken. If an employee wishes to add or delete dependents from their insurance, he/she must notify the Human Resources department within 30 days of the qualifying event. All other changes may be made during the annual open enrollment period.*

**A. Health, Dental, Vision, Disability and Life Insurance**

The City offers to full-time employees, health insurance, dental insurance, \$50,000 basic life insurance, and long term disability. The City contributes a percentage toward the premiums for these insurance plans. Additional life insurance may be purchased at the employee's expense. The City also offers a number of supplemental health and disability coverage plans that the employee pays 100% of the premium.

Employees must enroll in any of the group plans within 30 days of their employment or during the annual open enrollment period. In order for an employee to enroll or make changes in health and dental coverage during the plan year, they must have a qualifying event. For a list of qualifying events, contact the Human Resources Director.

All premiums to which the city contributes are paid with pre-tax dollars.

**B. GMA Retirement Plan – Defined Benefit Plan**

Full-time employees who have at least one year of service with the City are eligible to participate in this plan. Full-time employees will be credited for service prior to 11/1/1983 and service after 07/01/2002 for purposes of benefit calculation, but all service is used to qualify an employee for vesting, death benefits and retirement. Vesting occurs after seven (7) years of service.

**C. Basic Retirement Annuity**

A tax deferred compensation program (457) is offered to all employees including part-time employees.

**D. Retiree Health Insurance Benefits (Rule of 75)**

Effective for employees retiring prior to July 1, 2018, employees who retire with a minimum of ten years of service and whose age and years of service equal at least 75 (for example, 10 years of service and age 65, or 12 years of service and age 63,) may receive major medical insurance benefits as provided in this Subsection D.

Effective for employees retiring on or after July 1, 2018, employees who retire with a minimum of fifteen years of service and whose age and years of service equal at least 75 (for example, 15 years of service and age 60) may receive major medical insurance benefits as provided in this Subsection D.

A retired employee meeting the foregoing conditions who is under age 65 at the time of retirement may elect to continue health insurance coverage with the City's major medical insurance provider for such retiree at the same cost paid for full-time employees for individual coverage until June 30, 2018 and thereafter at a cost of 25% of the premium charged by the City's major medical insurance provider for individual coverage.

A retired employee meeting the foregoing conditions who is under age 65 at the time of retirement may also elect coverage for a spouse and/or eligible dependents under the same conditions and at the same cost as for full-time employees for spouse, dependent or family coverage, as applicable, until June 30, 2018, and thereafter under the same conditions as for full-time employees and at a cost of 50% of the premium charged by the City's major medical insurance provider for spouse, dependent or family coverage, as applicable.

Notwithstanding the foregoing provisions of this Subsection D, a retiring employee who is under age 65 at the time of retirement must be covered by the City's major medical insurance at the time of retirement in order to be eligible for the benefits described in this Subsection, and if coverage ever lapses, it cannot be reinstated. If a covered retiree becomes 60 days in arrears on their (and/or, if applicable, their spouse's and/or dependent's) health insurance premium, their health insurance (along with their spouse's and/or dependent's health insurance, if applicable) will be cancelled and the retiree will not be allowed to re-enroll in the City's major medical plan.

A retired employee meeting the foregoing years of service and age conditions who is age 65 or older at the time of retirement or who becomes age 65 while receiving benefits from the City under the foregoing provisions of this Subsection will not be eligible to continue on the City's major medical insurance. Instead, the retiree wishing to continue receiving benefits from the City will be required to enroll in Medicare Parts A, B and D and the City will contribute 70% towards a Medicare Supplement Coverage Plan up to a maximum of \$150 per month for such retiree's individual coverage. Spouse coverage will end when a covered retiree's spouse attains 65 years of age and the City will not make any contribution towards a spousal Medicare Supplement Coverage Plan.

Notwithstanding the immediately preceding paragraph, for married retirees who retired prior to October 1, 2011, are enrolled in a Medicare Supplement Coverage Plan and whose spouses are also enrolled in a Medicare Supplement Coverage Plan, the City will contribute 50% towards such spouse's Medicare Supplement Coverage Plan up to a maximum of \$75 per month for such spouse's coverage.

Retirees will receive a 1099 each year for the annual amount of the City's contribution and such contribution may be considered taxable income to the retiree. Retirees (and, if applicable, spouses) enrolled in a Medicare Supplement Coverage Plan will need to provide written documentation to the Director of Human Resources by June 30<sup>th</sup> of each year indicating that retiree (and, if applicable, spouse) is enrolled in such coverage and the amount of premium.

Each benefit described in this Subsection D is contingent upon funding being provided annually in the City's budget. Further, no benefit described in this Subsection D is intended to, nor shall it, create any contract between any retired employee and the City, nor does it create any other enforceable or vested entitlements or expectations, including constitutionally protected property interests.

**E. Credit Union**

Employees may elect to join the credit union by completing the application process and paying the appropriate membership fee. Benefits and services may include:

1. Savings accounts
2. Free checking accounts
3. Christmas club accounts
4. ATM cards
5. Traveler's checks and money orders
6. Major credit cards at a competitive fixed rate

7. Auto, home, and other types of loans

**F. Educational Assistance Program**

In order to support and encourage the professional growth and development of the City's workforce, the City will provide, under certain circumstances, payment of up to 50% of the cost of tuition and expenses (books, lab fees, etc.) to eligible employees for certain job-related training undertaken by the employee outside of assigned work hours. In order to be eligible for education benefits, the following conditions must be met:

The employee must be a full-time, permanent employee and have completed one year of service with the City.

1. Payment of tuition and expenses shall be contingent upon successful completion of the course. For purposes of this policy, "successful completion" shall mean the attainment of a grade of "C" or higher for each course.
2. Payment made for course-work not successfully completed must be reimbursed by the employee.
3. This program shall be subject to available funding as approved by the Mayor and City Council in the annual budget, and shall also be subject to departmental training allocations.

Eligible programs include college courses and/or degree programs, and other schools, programs, and short courses of instruction designed to advance specific technical or professional skills offered at an educational institution or a professional certification program (CPA, paramedic, etc.).

Employees must receive approval from their Department Head and the City Manager prior to enrolling in a course program.

The course work must be related to the employee's current position or to a position for which there is a reasonable expectation of promotion. For purposes of this policy, a "related" course is one or more courses that will improve the abilities and knowledge of the employee in his or her current position.

College-level work must be completed through an accredited institution.

Coursework completed through correspondence/distance study must be affiliated with an accredited educational institution.

Payment of tuition and expenses shall be contingent upon successful completion of the course. For purposes of this policy, "successful completion" shall mean the attainment of a grade of "C" (or its equivalent) or higher for each course. Payments for coursework not successfully completed must be reimbursed by the employee. The City may, after notice to the employee, deduct any such amounts from the employee's pay.

Employees who receive education benefits under the provisions of this policy shall agree to remain in the City's employ for at least 24 months following completion of said coursework. Should said employee resign from the City within 24 months following

completion of any coursework completed under the provisions of this policy, the City may require the separating employee to reimburse the City for all educational expenses paid to said employee during the previous 24-month period.

Employees who are subject adverse disciplinary action may have educational benefits suspended or discontinued.

## **G. Health and Wellness**

In order to support and encourage physical activity and weight control for the well-being of the City's employees, City will provide payment for membership with a gym or exercise program and a weight control program to eligible employees. In order to be eligible, the following conditions must be met:

The employee must be a full-time or part-time, permanent employee and have completed sixty days of service with the City.

- a. Payment made for a membership in a program that is not attended by the employee at least two times each week must be reimbursed by the employee.
- b. This program shall be subject to available funding as approved by the Mayor and City Council in the annual budget.

## **H. Lactation/Breastfeeding Breaks Policy**

As part of our family-friendly policies and benefits, the City supports breastfeeding by accommodating those who wish to express breast milk during the workday when separated from the newborn child.

### **Accommodation for Lactating Mothers**

For up to one year after the child's birth, any employee who is breastfeeding a child will be provided reasonable break times to express breast milk for the baby. The City has designated the room located (TBD) for this purpose. A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Nursing employees wishing to use this room must request/reserve the room by contacting the Department of Human Resources. Additional rules for use of the room and refrigerator storage will be posted in the room. Employees who work offsite or in other locations will be accommodated with a private area as necessary.

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

# Ethics

## 2.10 ETHICS AND CONDUCT

The City adheres to the principles of fair dealing and ethical conduct by employees. The City's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.

1. The City complies with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit and intent of all relevant laws, and to refrain from any illegal, dishonest, or unethical conduct.
2. In general, the use of good judgment, based on high ethical principles, will provide an appropriate guideline for acceptable conduct. When a situation arises where it is difficult to determine the proper course of action the matter should be discussed openly between the employee and his/her supervisor and, if necessary, with a Human Resources representative for advice and consultation.
3. Compliance with ethics and conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of ethics and conduct will lead to disciplinary action, up to and including termination. In the event that an investigation ensues, employee(s) must cooperate with the investigation.
4. If an employee becomes aware of conduct in violation of this policy, the employee should notify Human Resources. If the alleged misconduct involves the City Manager, the employee should notify the Mayor. Retaliation for good-faith complaints pursuant to this policy is prohibited.
5. Employees, including elected and appointed officials, shall not use their official positions to influence government decision in which they have a material financial interest or personal relationship which may give the appearance of a conflict of interest. Where a conflict exists, an employee shall disclose the conflict and excuse himself/herself from participating in deliberations and decision-making regarding such matters.

## 2.11 OUTSIDE EMPLOYMENT

Employment with the City shall have precedence over other occupational interests of employees. No employee may engage in any outside employment for wages or commission, or self-employment without obtaining prior approval from the City Manager. This policy applies to all City employees. Unapproved or conflicting outside employment shall be grounds for dismissal.



*If you work another job, you must notify your supervisor in writing and state the employer, type of work, job duties, and hours worked per week. This job cannot conflict with your primary job with the City of Powder Springs. Public Safety employees must comply with departmental requirements.*

City employees must adhere to the following concerning outside employment:

1. Such employment shall not interfere with the efficient performance of the employee's duties;

2. Such employment shall not involve a conflict of interest or conflict with the employee's duties;
3. Such employment shall not involve the performance of duties which the employee should perform as part of their employment with the City; and,
4. Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on either paid annual leave, compensatory leave, or leave without pay.

## **2.12 ACCEPTANCE OF GIFTS AND FAVORS/BUSINESS ETHICS**

A City employee shall not accept gifts, gratuities, or loans from organizations, businesses or individuals with whom they have official relationships concerning the business of City government. Additionally, a City official or employee shall not accept any gift, favor or thing of value that may tend to influence them in the discharge of their duties, or grant in the discharge of their duties any improper favor, service or thing of value. This policy does not apply to the acceptance of articles of negligible value and/or which are generally distributed to the public, nor to the acceptance of social courtesies that promote good public relations, nor prohibit employees from obtaining loans from regular lending institutions.

Employees may not conduct or promote private business during on-duty work hours or on City premises. Employees who may be in a position to influence actions and decisions regarding City administration shall refrain from relationships that may adversely affect the exercise of their independent judgment in dealing with businesses, organizations and individuals conducting business with the City.

## **2.13 NEPOTISM**

The City does permit the employment of qualified relatives as long as such employment does not create actual or perceived conflicts of interest or interfere with job performance. Immediate family members are not permitted to work in the same department. No employee is permitted to work immediately within the chain of command of a relative when such a relationship would constitute responsibility for performance appraisals, salary, or career progress. It shall be the policy of the City not to employ, transfer, promote, or demote an immediate family member of any employee where it establishes a supervisor-subordinate relationship. Please refer to Appendix for the definition of immediate family.

If while employed in a supervisor-subordinate relationship, the employees become related by marriage or adoption, it shall be required that one (1) of the employees transfer to another department, if possible, or be dismissed if other arrangements cannot be made by the City.

Additionally, no relatives should be employed, demoted, promoted, or transferred to positions where their personal or familial interests could conflict with the interests of the City.

These restrictions do not apply to any current employee for which the aforementioned circumstances existed prior to April 1993, provided that the City may transfer any such current employee to another position, if available, to avoid a situation that would otherwise be inconsistent with the provision of this section. This policy shall not apply to temporary appointments.

## **2.14 DISCLOSURE OF CONFIDENTIAL INFORMATION**

No official or employee of the City shall disclose confidential information concerning the property, government, or affairs of the City without prior approval of his/her superior. Nor shall any official or employee use such information to advance the financial or other private interests or anyone under any circumstances. Confidential information is any information not generally known or made available to the public and that the

City has made reasonable efforts to keep confidential, including but not limited to personal information, financial records, vendor records and files, referral or mailing lists, credit card numbers and similar information, whether stored electronically or in paper format.

## **2.15 PRESERVATION OF RECORDS**

All records and files of persons hired, applications, resumes or any other pre-employment documents shall be kept in accordance with the records retention schedule established by the State of Georgia, Department of Archives

The Human Resources Director shall be the official custodian of all personnel records and shall be responsible for the monitoring and safekeeping of personnel records to ensure compliance with applicable laws concerning access, confidentiality and retention.

## **2.16 Light Duty/Temporary – Modified Duty Policy**

The City of Powder Springs recognizes the value of permitting employees returning from an illness or injury to temporarily work on a light duty status due to medical, mental or other considerations. Light duty is considered limiting or altering part or all of the essential functions of the employee's position or reassigning the employee to another position that he or she is qualified and capable to perform. Light duty is a privilege and not a right and may be terminated at anytime based on the needs of the City. While the City is not obligated to create a light duty position to accommodate an employee, the City will consider temporary light duty as a reasonable accommodation for qualified individuals with a disability under the Americans with Disabilities Act.

An employee requesting light duty must submit to his or her department head a certificate indicating the need for light duty status issued by his or her licensed physician or practitioner. The City Manager will authorize light duty with the recommendation of the department head. In cases where an employee has had an on-the job injury/illness, the City Manager will fully consider and attempt a light duty placement of the injured employee. In cases where an employee has been involved in an off-duty injury/illness, the City Manager will consider and attempt light duty at his/her discretion according to the current needs of the City.

An employee may not refuse temporary restricted duty assignments that are supported by and consistent with the recommendations of an attending health care provider. Failure to appear for restricted work will be considered absence without permission and may lead to separation from employment with the City.

The temporary assignment is a paid assignment where the employee is not subject to loss of pay and benefits; therefore, the affected employee must perform at the optimum level possible within the medical restrictions outlined by his or her physician.

Light duty assignments are not to exceed three months in duration. After three months, employees on light duty who are not capable of resuming their original duty assignment may request a one-time three month extension by submitting to his or her department head a certificate indicating the need for continued light duty status issued by his or her licensed physician or practitioner. If an employee is still unable to return to his/her normal duties after this six month period, he or she will need to consider Family Medical Leave, short term disability and/or long term disability. An employee must furnish a release form from his or her licensed physician or practitioner certifying the employee's ability to return to normal duty.

Before assuming light duty, the department head must have a job description prepared and approved by the City Manager. In addition, the employee's physician must provide in writing that the employee is able to perform the duties as outlined in the light duty job description.

While on light duty, employees will revert to a 40 hour administrative work week. They are not permitted to work any part-time jobs during this period. For Police Officers, they must refrain from acting or placing themselves in an off-duty law enforcement capacity and will be required to not carry their weapon while acting in capacity as an agent of the City.

## **2.17 Weapons On-site Policy**

City employees shall not bring or possess weapons in City buildings, with the following exceptions. Employees who are permitted by law to possess weapons may store their personal firearm in their privately owned and locked vehicle as long as it is locked out of sight within the trunk, glove box, or other enclosed compartment or area within the vehicle. No weapon may be stored in any locker, desk, bag, purse, person, or any other place on the City premises. This policy does not apply to the following groups of employees:

Employees whose positions require them to carry a firearm to perform their specific duties  
In accordance with the City of Powder Springs Police Department Standard Operating Procedures.

## **2.18 Whistleblower Policy**

The City of Powder Springs requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the City of Powder Springs, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

### Reporting Responsibility

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the City of Powder Springs can address and correct inappropriate conduct and actions. It is the responsibility of all employees to report concerns about violations of code of ethics or suspected violations of law or regulations that govern the City of Powder Spring's operations.

### No Retaliation

It is contrary to the values of the City of Powder Springs for anyone to retaliate against any board member, officer, employee or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of the City of Powder Springs. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

### Reporting Procedure

The City of Powder Springs has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with

your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Department Head and if you are not comfortable speaking with that person, speak with the Human Resources Director, or City Manager. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to the City Manager or designated employee. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor, the Human Resources Director or the City Manager.

#### Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

#### Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

#### Handling of Reported Violations

The City Manager will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.



## *Chapter III*

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### *Employment*



### **3.1 VACANCIES – Generally**

Applicants for vacant positions with the City shall be recruited, as determined by the City Manager, either by 1) promotional competition from existing City employees, or 2) open competition from the general public and existing employees.

### **3.2 ANNOUNCEMENTS AND RECRUITMENT OF VACANCIES**

Upon receiving proper written notification from the respective department head that a vacancy exists in their department, and upon approval by the City Manager, the Human Resources Director will prepare a job vacancy announcement.



*All applicants, including employees, must complete, sign and submit a City of Powder Springs employment application to the Human Resources Department.*

All job vacancy announcements will include: the classification title, the rate of pay at which the appointment is expected to be made, essential duties to be performed, minimum qualifications required, the department in which the job is located, other conditions of competition, the deadline for filing applications and a statement that the City is an Equal Opportunity Employer.

As determined by the City Manager, job vacancies may be recruited by promotional competition from within the City's workforce for a minimum of three (3) working days by posting a job vacancy announcement on bulletin boards in each department; or job vacancies may be advertised for open competition from the general public and existing employees in appropriate news media and posted at designated public areas for a minimum of fourteen (14) calendar days, or until a qualified applicant is found, whichever is the latter.

All applicants (employees and general public) must complete, sign, and submit a standard City application form to the Human Resources Office. Applications for announced vacant positions shall be made available to all applicants at City Hall during normal business hours or on the City's website. Applications will be accepted only for specific vacancies and the applicant must note on the application the position sought.

All applications shall be kept in an active status until the respective vacancy is filled. Applicants must submit a separate application for each vacancy.

### **3.3 SELECTION OF APPLICANTS – Generally**

The Human Resources Director will maintain a record of all applications submitted and any necessary EEO recruitment information. The City Manager shall determine the process for evaluating applications for all open competitive and promotion competitive vacancies.

An applicant's work history and education record may be investigated for the purpose of verifying the statements contained in the application. The City may also ask the applicant to supply professional and personal references regarding their qualifications for the job. The results shall also be used to evaluate the applicant.

The Human Resources Director will review each application for completeness to determine if the applicant meets the minimum qualifications required to perform the essential functions of the job. The Human Resources Director will compile a list of applicants meeting these criteria and forward their applications for review by the respective department head.

The Human Resources Director, department head or City Manager may disqualify an applicant for any of the following:

1. It is found that the applicant does not meet the minimum qualifications required for the job;
2. The applicant has made a false statement of material fact in the application;
3. The applicant has used or is attempting to use political pressure or bribery to secure an advantage in the recruitment and selection process;
4. The applicant has failed to submit the application correctly or within the prescribed time limit;
5. The applicant has previously been dismissed from the City for cause;
6. The applicant has been convicted of a felony or a crime involving moral turpitude; or
7. The applicant's past record of employment with the City is determined to be unsatisfactory.

In employment areas such as public safety and finance, where the public has a compelling interest in the security of property and life, applicants for employment, promotion, transfer and demotion may be asked to supply information that may not be required in other employment areas.

Finalists will be required to submit to a background investigation including the City obtaining a copy of the current consumer credit report.

### **3.4 SELECTION OF APPLICANTS – Testing and Examination**

In addition to the application review, the City Manager and/or department head may require applicants to complete an interview(s) and/or test(s) as part of the selection process.

Pre-employment drug testing may also be required as well as post-offer (conditional employment) physical examinations, in accordance with the Americans With Disabilities Act of 1990, as amended. If physical examinations are required, all finalists for vacancies within the respective occupational group will be required to undergo a physical examination after a conditional offer of employment has been extended. Such examination shall be performed by a qualified physician (selected by the City and at the City's expense) who shall certify whether the employee is able to perform the essential duties of the job for which they have applied, with or without reasonable accommodations.

Applicants who are not able to perform the essential duties, with or without reasonable accommodation for the respective job as determined by the attending physician, shall be disqualified from the respective position.

All information pertaining to applicants will be returned to the Human Resources Director for filing and record-keeping purposes. The Human Resources Director will give written notification to all applicants interviewed and/or tested but not selected once the applicable position has been filled.

### **3.5 INITIAL EMPLOYMENT/PROMOTIONAL APPOINTMENT/BRIDGING EMPLOYEE SENIORITY**

After reviewing the selection recommendation submitted by the department head and the Human Resources Director, the City Manager may authorize the selection of the respective applicant at a pay rate in accordance with these policies and the City's pay and classification plans. The Human Resources Director will inform the

department head of the City Manager's decision and then may extend a formal written offer of employment or promotion to the selected candidate.

A new employee appointed to a position in the City shall NOT begin their first day of employment on a designated official holiday. The first day of employment shall be on a day that coincides with the employee's regular work schedule.

Employees who leave employment with the City and are rehired at a later date may qualify to have their seniority bridged. The bridging of an employee's seniority will have a positive effect on the employee's eligibility for longevity bonus, and service awards, as well as earned vacation time.

### **3.6 TEMPORARY OR PART-TIME APPOINTMENT**

Temporary appointments shall be for a limited duration of time, normally not to exceed one (1) year. A department head may be granted the authority to appoint part-time and/or temporary employees by the City Manager provided that the part-time and temporary positions have been budgeted and authorized by the Mayor and Council.

A person appointed to a part-time or temporary position shall not be eligible for the rights, privileges, and benefits conferred through these personnel policies to other City employees, unless otherwise specified. Temporary and part-time employees are required to adhere to the departmental standards and procedures that are prescribed to regular employees when performing tasks related to their assigned job.

### **3.7 REGULAR FULL TIME APPOINTMENT**

A regular full-time appointment is normally a position with a standard workweek of at least forty (40) hours.

An employee appointed to a regular full-time position shall be granted regular status after satisfactorily completing the working test period. This appointment provides the employee with all of the rights and privileges of the City's human resources policies and other policies as designated by the Mayor and the Council.

The City Manager makes regular full-time appointments upon the recommendation of the department head and the Human Resources Director.

### **3.8 WORKING TEST PERIOD - Initial Employment**

The first twelve (12) months of service in a position to which a new employee has been initially employed or promoted to a classified position, shall constitute a working test period. The first annual evaluation for a merit performance raise is performed at the successful conclusion of the working test period.

The working test period shall be an essential part of the evaluation process, and shall be utilized for the most effective adjustment of a new employee, and for the elimination of any employee who does not satisfactorily perform the duties of their job during the working test period.

A department head with approval by the City Manager, and upon review by the Human Resources Director, shall have the right to dismiss a new employee in a working test period for any reason, with or without cause and with or without notice.

The City Manager may extend the duration of an employee's working test period up to a maximum of ninety (90) calendar days, provided the department head submits such request to the Human Resources Director at

least twenty (20) calendar days prior to the end of the normal working test period. After reviewing the request, the Human Resources Director shall submit the request for extension to the City Manager for consideration. Upon review by the City Manager, the Human Resources Director will notify the department head and respective employee of the City Manager's decision regarding the request for extension of the working test period.

### **3.9 PROMOTIONS**

The City Manager, in accordance with the policies in Section 7.4, shall determine salary adjustments for employees who are promoted. Vacancies that are filled through a promotional competitive process shall be limited to application by existing regular full-time, working test, part-time and temporary employees with the City.

### **3.10 TRANSFERS**

A department head, with approval of the City Manager, may transfer an employee under their supervision from one position to another at the same pay rate and grade for any of the following reasons:

1. Convenience to the City;
2. Convenience to the respective employee; or,
3. To increase the flexibility in the workforce.

An employee or department head may initiate a request for transfer.

An employee or department head deciding to transfer shall submit a written request to the Human Resources Director with the reasons and anticipated outcome of the requested transfer. The request for transfer will then be reviewed by the City Manager and considered for approval.

The transfer of an employee to a different department shall have the written approval of the City Manager and BOTH department heads. All requests for transfer shall be reported in writing to the Human Resources Director and City Manager and all transfers shall be approved by the City Manager.

An employee will be given the opportunity to decline such a transfer; however, their refusal to transfer may result in their separation from employment with the City, in accordance with Section 8.1.

### **3.11 DEMOTIONS**

An employee may be demoted at their own request or on an involuntary basis for disciplinary reasons, or as a result of departmental reorganization or cutback.

A department head deciding to demote an employee, shall submit a written request to the Human Resources Director.

Such demotion will not take place until the Human Resources Director has determined if the affected employee is qualified for the position to which they are being demoted.

An employee's status shall not change with the demotion although their rate of pay will be within the approved range for the lower position and reduced as determined by the City Manager after consultation with the Human Resources Director and department head, and will take into consideration the circumstances surrounding the reasons for demotion. The City Manager must approve all demotions.

After obtaining proper approval from the City Manager, the procedures in **Section 9.4** will be followed for involuntary demotions for regular employees. All demotions shall entail a reduction in pay grade and salary as outlined in **Section 7.5**

### **3.12 ADMINISTRATIVE LEAVE**

During the investigation, hearing or trial of an employee on any criminal charge, or during the course of a civil action involving an employee which reflects unfavorable on the City, and when administrative leave would be in the best interests of the City, the City Manager or department head may place an employee on administrative leave with or without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable, but where the administrative leave is ended by full reinstatement of the employee, the City Manager may authorize full recovery of pay and benefits for the entire, or for part, of the suspension period.

The City Manager may decide to take disciplinary action as described in **Section 9.3**, based on the outcome of an investigation, hearing, trial or civil action involving a City employee.



## *Chapter IV*

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### *Overtime Compensation*



#### **4.1 OVERTIME – Generally**

Non-exempt employees of the City (as determined in accordance with the Fair Labor Standards Act) shall be authorized to work overtime hours only when directed by the department head. Department heads should schedule the work of their employees to accomplish the required work within the standard workweek or work period.



*All overtime must be approved in advance by the Department Head.*

Employees are due overtime compensation when they physically work in excess of forty (40) hours in a workweek. Sworn officers are due overtime compensation when they physically work in excess of eighty-six (86) hours in a two-week period.

The Public Safety Department may establish a work period separate from the standard workweek based on the FLSA regulations with approval by the City Manager.

All departments within the City, except the Police Department, should record their time according to the standard workweek of 12:00am Sunday to 11:59pm on Saturday. Law enforcement should refer to the Police Department SOP to determine their workweek.

#### **4.2 OVERTIME COMPENSATION – Non-exempt employees**

If possible, daily overtime should be given as compensatory time on an hour for hour basis during the workweek or work period in which it is earned in order to avoid having to compensate at an overtime rate of one and one-half (1.5) times the employees hourly rate.

When authorized overtime is not taken as compensatory time (on an hour for hour basis) during the work week or work period in which it was earned AND the total amount of actual hours worked exceeds the standard hours for that workweek or work period, the non-exempt employee shall be compensated at: 1) one and one-half times the non-exempt employee's regular rate of pay, or 2) compensatory leave on a time and half (1.5) hourly basis.

The City Manager shall determine the method of overtime compensation upon recommendation by the employee's department head prior to the time the overtime work is performed. Compensatory leave shall not be accumulated in excess of eighty (80) hours for all non-exempt employees.

If non-exempt employees have accrued the maximum number of compensatory hours allowed, any additional overtime compensation shall be made as a cash payment at the employee's regular rate of pay. The request to use accrued compensatory leave must be granted within a reasonable period after such request has been submitted. To the extent allowed by law, accrued compensatory leave must be used prior to the use of any annual leave.

Upon separation, a non-exempt employee shall receive payment for the remaining balance of accrued compensatory leave at their base salary based upon their average regular rate received by the employee during the last three (3) years of their employment or the final regular rate received by the employee, whichever is higher.

#### **4.3 OVERTIME COMPENSATION – Exempt Employees**

Exempt employees may take leave on a pro rata basis for overtime work with the amount of such leave being in the City Manager's discretion. Exempt employees may not accrue compensatory leave.

#### **4.4 OVERTIME COMPENSATION – Holiday hours**

While the total amount of actual hours worked must exceed the standard hours for that workweek or work period in order to receive overtime compensation, the occurrence of a holiday during a work week or work period makes impossible the ability for an employee to meet the overtime requirement that actual hours worked must exceed the required hours in order to receive overtime compensation for additional hours worked at the request of the employee during that holiday week. Additionally, unlike emergency situations or when required to work on a holiday for public health or safety reasons or during a holiday week to meet regulatory deadlines, a city-hosted event on or at publicly-owned property to which the public is invited or encouraged to attend depends on the voluntary willingness of an employee to perform additional work, and in order to encourage an employee to accept this work during a work period or work week that includes a holiday, the employee will be allowed to count a holiday as hours worked for the purpose of calculating overtime for additional work performed by that employee during that work week or work period unless there is an emergency or requirement that the employee work for public health or safety reasons or to meet regulatory deadlines.



## *Chapter V*

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### *Attendance, Hours of Work and Leave*



## 5.1 ATTENDANCE

Each employee is important to the success of the City and residents we service. Generally, our work is dependent upon others' ability to perform their job. Therefore, it is important that employees report to work each day as scheduled.



*You must telephone your supervisor (or next level manager or designee) and speak directly to that person to give notification of absence or tardiness. Leaving a message does not meet this requirement.*

## 5.2 HOURS OF WORK

The City Manager establishes the hours of work, which must be determined in accordance with the needs of the City's services. Hours of work by City employees must also take into account the reasonable needs of the public and the ability of the City to conduct business.

## 5.3 INCLEMENT WEATHER

**Inclement weather without official closing:** Inclement weather usually does not warrant closing of City offices. Absences due to inclement weather require you to make a personal judgment pertaining to your safety in travelling to and from work. Loss of work time for this reason is charged to your accrued compensatory time or annual leave. If you have no compensatory time or annual leave, then the time is charged as leave without pay.



*The City Manager will decide if the City of Powder Springs offices will be closed on normal work days during inclement weather. Closing information will be posted on the City of Powder Springs website ([www.cityofpowdersprings.org](http://www.cityofpowdersprings.org)).*

If you make the effort to report on time and actually report within a reasonable period of time (based on the circumstances of the event), you will not be required to use leave for that absence. Your supervisor will determine if you must use accrued leave for late arrival.

**Official Closings due to Inclement Weather:** The City Manager will decide if the City of Powder Springs offices will be closed on normal workdays during inclement weather. Closing information will be posted on the City of Powder Springs website ([www.cityofpowdersprings.org](http://www.cityofpowdersprings.org)). Department heads, or their designees may determine closing for departments that work evenings and/or weekends.

The City Manager (or designated department heads) will also determine whether certain "**critical emergency service personnel**" must report to work during inclement weather. Such personnel may include employees from Public Safety and Public Works. If other employees are needed to assist with services, they will be contacted by a supervisor.

**If you are not required to work during an inclement weather closing,** you will receive administrative pay for your regularly scheduled working hours during the period of closing.

**If you are among the critical emergency service personnel who must work,** non-exempt employees will receive wages plus compensatory time for the hours actually worked.

**If you are not scheduled to work** during an inclement weather closing, you will not be paid for the closing.

**If you are on annual, sick, or any other leave with pay** during the declared times of closing, you will receive administrative leave with pay and will not have to charge that time to leave.

#### **5.4 TYPES OF LEAVE**

A. There are six (6) types of leave available to full-time, regular and working test employees. They are:

1. Annual leave
2. Sick leave
3. Court leave
4. Funeral leave
5. Military leave
6. Leave of absence without pay, which includes family and medical leave, and worker's compensation



*To schedule time off for a religious holiday, a written request should be submitted to your supervisor. You will use available leave (in this order) to cover the time: Annual leave, comp time, or leave without pay.*

B. Upon the development of a physical fitness test by the City's law enforcement physical fitness specialist that is appropriate for the age and position of each employee and is administered on a mandatory basis for law enforcement personnel and on a voluntary basis for all other employees who desire to perform the test, the employee who passes said test for that year may be granted an additional administrative personal day of leave for that year.

#### **5.5 HOLIDAYS**

All full-time regular and working test employees of the City will receive paid leave on officially designated holidays. The following days are designated as official City holidays:

1. New Year's Day (January 1)
2. Martin Luther King, Jr. Day (3<sup>rd</sup> Monday in January)
3. Good Friday (Friday before Easter)
4. Memorial Day (Last Monday in May)
5. Juneteenth (June 19)
6. Independence Day (July 4)
7. Labor Day (1<sup>st</sup> Monday in September)
8. Veterans Day (November 11)

9. Thanksgiving Day (4<sup>th</sup> Thursday in November)
10. Friday after Thanksgiving
11. Christmas Eve (December 24<sup>th</sup>)
12. Christmas Day (December 25<sup>th</sup>)
13. Personal Day (Employees must be hired prior to July 1<sup>st</sup> in order to be eligible to receive this holiday in the year in which you start to work)
14. Personal Day (birthday)
15. Personal Day of one-half day during one work week each month for each employee (equivalent of 6 days), subject to re-evaluation of the practice by May 1, 2024.

Other holidays may be declared by the Mayor and Council at their discretion. If a holiday falls on a Saturday, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Monday.

**A. Eligibility for paid leave on a holiday**

To be eligible for paid leave on an observed City holiday, it is required that full-time regular and working test employees work the last scheduled workday before the holiday and the next scheduled workday after the holiday. This requirement does not apply to employees on approved paid annual, sick or



*In order to be eligible for paid leave on an observed City holiday, it is required that full-time regular and working test employees work the last scheduled workday before the holiday and the next scheduled workday after the holiday.*

compensatory leave immediately before or after the holiday.

When a holiday falls on an employee's regular workday, and that employee is on authorized annual, sick, or compensatory leave, the employee will receive holiday pay and will not have that workday charged against their leave record.

**B. Work on Holiday**

Non-exempt employees who are required to work on an official city holiday will receive double time compensation for the hours worked. The employee will not receive that holiday at a later date.

**C. Holidays on a Scheduled Day Off**

When a holiday falls, or is scheduled to be observed, on an employee's normal day off, that holiday should remain the employee's day off and they shall be granted another day off at a future date in lieu of the holiday. The department head shall determine the scheduling of that day off.

**D. Part-time and Temporary Employees**

Part-time and temporary employees shall not receive paid leave on official holidays unless otherwise specified.

## 5.6 ANNUAL LEAVE



*Annual leave may not accrue in excess of thirty (30) days/240 hours except as specified below.. Compensatory leave may not be accrued in excess of eighty (80) hours.*

### A. Policy and Eligibility

Paid annual leave is provided for the purpose of allowing full-time regular, working test and part-time regular employees time off from their work for vacation purposes or for necessary time to attend to personal business that cannot be conducted during off-duty hours.

Annual leave shall not be accrued while a full-time regular, working test or part-time regular employee is on a leave without pay status. Part-time temporary and part-time occasional employees shall not be eligible to accrue paid annual leave, unless otherwise specified.

#### ***Full-time regular and working test employees:***

Length of Continuous Service	Accrual Rate	Maximum Accumulation
1 month up to 60 months	8 hours per month	240 hours (30 days)
61 months up to 120 months	10 hours per month	240 hours (30 days)
121 months up to 180 months	12 hours per month	280 hours (35 days)
181 months up to 239 months	12 hours per month	320 hours (40 days)
Over 240 months	12 hours per month	360 hours (45 days)

#### ***Part-time regular employees working 30 hours per week:***

Length of Continuous Service	Accrual Rate	Maximum Accumulation
1 month up to 60 months	6 hours per month	180 hours (30 days)
61 months up to 180 months	7.5 hours per month	180 hours (30 days)
Over 180 months	9 hours per month	180 hours (30 days)

#### ***Part-time regular employees working 20 hours per week:***

Length of Continuous Service	Accrual Rate	Maximum Accumulation
1 month up to 60 months	4 hours per month	120 hours (30 days)
61 months up to 180 months	5 hours per month	120 hours (30 days)
Over 180 months	6 hours per month	120 hours (30 days)

### B. Accrual and Accumulation

Accrual of annual leave begins on the last calendar day of the first calendar month of original appointment to a classified position. Employees who begin work on the first (1<sup>st</sup>) through the fifteenth (15<sup>th</sup>) day of the month will receive a full accrual for that month. Employees who begin work on the sixteenth (16<sup>th</sup>) through the thirty-first (31<sup>st</sup>) day of the month will accrue at 50% of a full accrual for that month.

### **C. Approval and Usage**

Employees shall be responsible for submitting in writing on the prescribed form, their annual leave requests to their department heads for approval at least one (1) week prior to the date(s) of annual leave requested (department heads must submit their requests for approval to the City Manager). The employee's department head shall approve annual leave before it is taken.

For an annual leave request of five (5) consecutive workdays (40 hours) or more, the request shall be submitted by the employee and approved by their department head (or City Manager) at least thirty (30) calendar days prior to the dates of annual leave requested.

Annual leave shall be used only to the extent of an employee's available accumulation. Annual leave may not be "advanced" to employees. If it is necessary for an employee to be absent from work, and they do not have any annual leave or compensatory leave accumulated, they must request leave without pay. Additionally, employees may not request that the City "buy back" any annual leave not taken. If not used, accumulated excess annual leave will be forfeited.

Employees shall be paid at their normal rate of pay for all accrued unused leave upon separation of



***You must provide your supervisor with a statement from a health care provider if you are absent more than three (3) consecutive days due to illness or injury. Your supervisor may decide to accept some other form of written statement.***

employment with the City up to the maximum accumulation as set forth above. The maximum allowable shall be paid by the Finance Department every two weeks with the regular pay periods until the full amount has been paid.

## **5.7 SICK LEAVE**

### **A. Policy and Eligibility**

Sick leave with pay shall be granted to full-time regular and working test employees for the following reasons:

- 1) Personal illness or injury – three (3) or more consecutive sick days will require a written medical statement signed by the attending licensed physician certifying the employee was unable to come to work. Supervisors may require certification for fewer days of missed work if the employee is abusing his/her sick leave.
- 2) Illness or injury of an employee's spouse, parent, son or daughter, including those of an in-law, step, adoptive, or foster relationship. Three (3) or more consecutive sick days will require a written medical statement signed by the attending licensed physician certifying the employee's family member was sick and needed their care.
- 3) Temporary disability for reasons such as maternity leave, convalescence from a serious illness or injury, or surgery. An employee will be required to submit to the Human Resources Director a written medical certification signed by the attending licensed physician describing the nature, extent and expected length of the disability before the request is approved. Additionally, an employee will be required to submit a written release from the attending licensed physician certifying that the

employee is able to return to work. This release must be submitted to the Human Resources Director and department head before the employee returns to work.

- 4) Requests for appointments with physicians, dentists, or other medical practitioners shall be submitted to the employee's supervisor at least one (1) week in advance.
- 5) When an employee exhausts sick leave accruals, they must take vacation and compensatory leave. Only when all leave is exhausted can an employee request to be put on leave of absence without pay status.
- 6) Sick leave shall not be accrued while a full-time regular or working test employee is on leave of absence without pay.

#### **B. Accrual and Accumulation**

Sick leave with pay is provided for the purpose of allowing full-time regular, working test employees and part time regular employees time off from their work for reasons outlined in Section 5.7A

Sick leave with pay for all full-time regular and working test employees shall accrue at 8 hours per month and part-time regular employees shall accrue in proportion to their work schedule, i.e., thirty (30) hours per week would accrue 6 hours per month, twenty (20) hours per week would accrue four (4) hours per month.

Accrual of sick leave begins on the last calendar day of the first calendar month of original appointment of a classified position. Employees who begin work on the first (1st) through the fifteenth (15th) day of the month will receive a full accrual for that month. Employees who begin work on the sixteenth (16th) through the thirty-first (31st) day of the month will accrue at 50% of a full accrual for that month.

Sick leave accumulation shall not exceed 1040 hours for full-time employees and full-time working test employees, 780 hours for employees working thirty (30) hours per week and 520 hours for employees working twenty (20) hours per week.

#### **C. Approval and Usage**

Sick leave absences must be reported prior to the employee's scheduled work time if possible, and no later than one (1) hour after the scheduled time for the employee to begin work. The report must be made to the employee's supervisor. Failure to do so may be cause for denial of sick leave with pay for the period of the absence.

Employees shall be responsible for submitting in writing on the prescribed form, their sick leave requests to their department heads for review and approval by the department head.

The department head will inform the Human Resources Director and the City Manager the first day that the employee fails to report to work without calling their supervisor. Failure to report to work is addressed in Section 8.3 and Section 9.2. All paid sick leave must be approved by the employee's department head or City Manager prior to the employee receiving regular pay for the period of sick leave.

If an employee's available balance of sick leave hours has been depleted, an employee must use accrued annual leave and compensatory leave before they can request a leave of absence without pay for sick leave. However, accrued sick leave may not be used in place of annual leave. Additionally, sick leave may not be "advanced" to employees.

#### **D. Forfeiture of Sick Leave/Buy Back Program**

Any employee terminating their employment with the City (voluntarily or involuntarily) shall forfeit all accumulated and unused sick leave except in some cases the leave may be donated to another employee in accordance with the City's donated leave policy. The Mayor and Council may establish and approve, on an annual basis, a sick leave, "buy back" incentive program, subject to funding availability.

### **5.8 FITNESS FOR DUTY EXAMINATION – EMPLOYEES**

If an employee's record for absences due to illness is excessive, or if the employee's performance is being negatively affected, the City Manager may require a physical and or psychological examination (at the City's expense) to determine the ability of the employee to perform the essential functions of the job. Such examination shall be required only when circumstances are job-related and represent a business necessity (according to the Americans with Disabilities Act of 1990, as amended).

The City Manager may suspend the employee with or without pay until a decision is made on whether the employee should be placed on leave of absence, continued in employment, dismissed or subject to other disciplinary action.

If the employee refuses to submit to such physical examination, disciplinary action may be taken up to and including dismissal, in accordance with Chapter IX of these policies. Physical examinations involving applicants for employment are addressed in **Section 3.4.**

### **5.9 FAMILY MEDICAL LEAVE**

Effective August 5, 1993, under the Federal Family and Medical Leave Act (FMLA), an eligible employee is entitled to a total of 12 weeks or 480 hours of family or medical leave during any 12-month period for one or more of the following reasons:

1. The birth of the employee's child or to care for this child in the first 12 months of life;
2. Placement of a son or daughter with the employee for adoption or foster care within the first 12 months of placement;
3. In order for the employee to care for a spouse, child or parent, (as defined in the FMLA) when this person has a serious health condition;
4. The eligible employee has a serious health condition that renders the employee unable to perform essential functions of the job in question



***FMLA and accrued leave must run concurrently – you are required to use both types of leave at the same time.***

5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty or;
6. Twenty-six workweeks of leave during a single 12 month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military care giver leave).

Certifications of serious health conditions by the attending licensed physician is required in order to claim FMLA leave. Employees are required to take paid leave (annual, personal, compensatory and/or sick) before requesting leave of absence without pay under FMLA. The City is not required to pay an employee in situations

that would normally not be included in the City's paid sick leave policy. The employee will need to take leave in this order: annual leave, compensatory time, leave without pay.

When the necessity for leave is foreseeable, the employee must provide at least a 30-day notice to the employer. If a 30-day notice is not possible, then notice must be given as soon as is practicable.

During an approved family or medical leave the eligible employee's health benefits will be continued (including benefits for covered dependents) under the same conditions of coverage had the employee remained at work.

The eligible employee is responsible for any contributions toward the cost of the plan which would have been required had leave not been taken. In the event that the employee does not voluntarily return to work when the leave expires, the employee may be required to reimburse the employer contributions to the plan made on behalf of the employee during the period of the leave to the extent authorized by law.

To ensure that an employee on family or medical leave without pay is current with their group insurance premiums, employees who are on leave of absence without pay must submit payment to the Human Resources Director by the first (1<sup>st</sup>) day of each month in order for their group insurance benefits to remain in effect. If an employee becomes sixty (60) days in arrears, all insurance coverage will be cancelled and the employee will not be allowed to re-enroll until the annual open enrollment period and will also be required to submit any documentation required by the insurance company in order to re-enroll.

An employee is eligible if he/she:

1. Has been employed by the City for at least 12 months; and,
2. Has at least 1,250 hours of service during the previous 12 month period.

A full-time regular or working test employee on leave without pay shall not accrue paid annual leave or sick leave and shall not receive paid leave on holidays. Additionally, the employee shall not receive any benefits such as service credits, paid leave accrual, retirement contributions, etc., during the leave without pay. Upon returning to work, the anniversary date of the employee on leave without pay shall be adjusted such that the time away from work shall not be credited as service time.



*While on FMLA leave, you must continue to pay your own portion of your health insurance premiums. Payments must be submitted to the Human Resources Department. An employee must contact the Human Resources Department to make payment arrangements for insurance premiums if he/she misses a paycheck because of absence.*

At the end of the approved leave of absence, the employee shall return to the same position or to another position with the same pay rate held prior to the leave of absence, provided such position is available. If the employee is unable to return to work at the end of the approved leave of absence, the employee may be dismissed in accordance with **Section 9.4**, unless additional leave is granted under these policies or otherwise required by law.

The City will calculate FMLA leave by using the rolling 12-month period measured backward from the date the employee uses FMLA leave.

A leave of absence without pay for a period greater than that required by FMLA shall be determined by giving due consideration to the length of the requested leave of absence, the impact of such leave on the organization, and the department's plans to continue the work performed by that employee in their absence.



***Employees who are on Worker's Compensation will be required to take FMLA concurrently with their Worker's Compensation absence.***

## **5.10 LEAVE OF ABSENCE WITHOUT PAY – Temporary Disability**

In addition to leave required by FMLA, a leave of absence without pay may be granted by the Mayor and Council to employees upon recommendation by the City Manager and request by the affected employee due to temporary disabilities, such as maternity leave, or convalescence from surgery or illness that would not entitle the employee to FMLA leave under **Section 5.8**.

A full-time regular or working test employee on leave without pay shall not accrue paid annual leave or sick leave and shall not receive paid leave on holidays. Additionally, the employee will continue to receive health benefits if they submit monthly payments for their portion of the premium but shall not receive any benefits such as service credits, paid leave accrual, retirement contributions, etc. during the leave without pay. If payments are more than 60 days in arrears, coverage will be cancelled and the employee will have to wait until the next open enrollment period to enroll in the plan(s). The employee will be eligible to elect COBRA coverage during this time. Upon returning to work, the anniversary date of the employee on leave without pay shall be adjusted such that the time away from work shall not be credited as service time.

The employee must submit a written medical certification from the attending licensed physician identifying the need for a leave of absence due to temporary disability and the anticipated duration of the temporary disability. Additionally, the Human Resources Director and department head will require a written release from the attending licensed physician certifying that the employee is able to return to work.

## **5.11 DONATED LEAVE POLICY**

One of the many work/life services available to City employees is a voluntary leave transfer program. Such a program gives employees additional flexibilities for balancing work and family needs through greater accessibility to leave. It allows employees to share their unused accrued leave with other employees who are faced with economic hardship because of insufficient leave to cover a medical or family medical emergency.

The Mayor and City Council of Powder Springs have authorized a donated leave program for voluntary transfers to assist employees who have exhausted all earned paid time off caused by a catastrophic illness or injury or medical emergency. In order for an employee to be eligible for donated leave, the following conditions must be met and the proper procedures, outlined herein, must be followed.

Donated leave may be acquired once an employee exhausts all accrued sick leave, annual leave, and compensatory time by suffering from a catastrophic illness or injury, or by providing care to an immediate family member who has suffered from a catastrophic illness or injury or confronting a medical emergency.

A "catastrophic illness or injury" means a life threatening illness or injury to an employee or a member of an employee's immediate family, which totally incapacitates the employee from work, which is verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in a loss of compensation from the City for that employee. Conditions that are short-term in nature including, but not limited to, common illnesses such as influenza, measles, common injuries, broken bones, strained ligaments, uncomplicated pregnancy, and the like are not catastrophic. Chronic illnesses or injuries such as cancer, major surgery, unresponsive syndromes and the like, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic. Included in the definition of catastrophic illness or injury is the inability of an employee to return to work due to not being released to return to work by the employee's physician.

A "medical emergency" is defined as a medical condition (including pregnancy or child birth) of an employee or a family member that is likely to require that employee's absence from work for a prolonged period of time and would result in a substantial loss of income because paid leave is not available. For full-time employees, substantial loss of income is interpreted as an absence from work of at least 24 hours, when this absence is not covered by available paid leave.

Resolution 2017-003 amended the definition of catastrophic for purpose of this policy to include the following: "the inability of an employee to return to work following an illness or injury unless the employee's doctor has released the employee to return to work, as long as all other standards within the donated policy are met".

The meaning of "employee" is a person employed by the City of Powder Springs for a minimum of 45 days prior to requesting donated leave and who has worked a minimum of 360 hours during the 45 days immediately preceding the date of the request for donated leave and satisfy the requirements set forth in this policy.

**"Immediate Family"** is defined for the purposes of this policy as a spouse, parent, step-parent, child or step-child and their spouses, brother or sister, any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Any employee may donate a portion of his or her earned annual or sick leave to an eligible employee except their supervisor in the manner as follows (under no circumstances can an employee donate "compensatory time").

1. The recipient employee must have exhausted all of his or her earned vacation, sick, and compensatory time before he or she is eligible to receive any leave donated by another employee. Donated sick leave shall be drawn upon prior to drawing upon donated annual leave.
2. Before an employee may receive donated leave, he or she must request donated leave and provide the Human Resources Director with sufficient documentation to permit a recommendation of approval to the City Manager. Such documentation, at a minimum, must include a physician statement that states the beginning date of the catastrophic illness or injury or medical condition, a prognosis for recovery, and the anticipated date that the employee will be able to return to work.

3. The donor employee shall designate the employee who is the recipient of leave and the amount of earned vacation or sick leave that he or she wishes to be donated. The donation of leave may occur only after the City Manager has approved the recipient employee for donated leave.
4. The maximum amount of earned annual leave that an employee can donate to any other employee may not exceed the number of hours that would leave the donor with fewer than 80 hours of annual leave. Moreover, the maximum amount of earned sick leave that an employee can donate to any other employee may not exceed the number of hours that would leave the donor with fewer than 80 hours of sick leave.
5. Any employee leaving employment with the City of Powder Springs may donate, upon separating from service, any or all of their earned annual and/or sick leave to any employee who is eligible to receive donated leave at that time to a pool of available sick leave that can be used for donations, subject to review and approval by the City Manager.

An employee who has exhausted all of his or her accrued annual leave, sick leave and compensatory time becomes eligible to receive donated leave, up to a maximum of ninety (90) days or 720 hours, whichever is less. The ninety (90) days/720 hours commence on the first day that the recipient employee uses the donated leave.

Donated leave that is not used because a recipient employee has used the maximum amount of donated leave authorized under this paragraph will be returned to the donor employees on a pro rata basis based on the ratio of the number of hours of leave donated by each donor employee to the total number of hours of leave donated by all donors. In no case will any donor receive more leave than he/she donated.

Before an employee is eligible to receive donated leave after having received donated leave from a previous occasion, he or she must have returned to work with the City and have worked a minimum of 6 consecutive months and minimum of 625 hours during the 6 months preceding the request.

Any request for an exception to this policy must be submitted in writing to the Mayor and Council through the City Manager.

#### ***Apply for Leave***

Current employees who would like to utilize the Voluntary Leave Transfer Program may do so by applying in writing. If the employee is not able to complete the application him/herself, another employee of the City, HR, or a family member may make the application. The application should be submitted to the immediate supervisor for consideration. The application, which will be supplied by the HR Director, must include:

- the employee's name, position title, and grade or pay level;
- a brief description of the nature, severity, and anticipated duration of the medical or family medical emergency; and
- a statement from the employee's physician or other appropriate expert or any additional information that shows the nature, severity, and duration of the condition.

Additional information on applying for leave donations can be obtained from your immediate supervisor or from the HR Department.

#### ***Make a Donation***

For employees interested in donating leave, accrued annual or sick leave can be given voluntarily to an employee with a qualified medical or family medical emergency. Employees cannot donate leave to their

immediate supervisors. Leave must be donated in increments of one hour and the leave must have already been accrued.

To donate leave, you need to complete a form supplied by the HR Department that asks for the number of hours to be donated as well as some timekeeping and other donation information. In addition, you must submit a leave request form.

Typically once the forms are completed, the timekeeper must verify that you have leave available, and it must be approved by your supervisor and department director. It will then be given to the HR Director handle this for the employee requesting leave.

### **5.12 COURT LEAVE**

Any full-time regular or working test employee who is subpoenaed by any federal, state or local court to serve as a juror on a workday shall be entitled to paid leave, without loss or without effect of performance rating during this time.

Additionally, full-time regular and working test employees will be granted paid leave for attendance in court as a subpoenaed witness ONLY if it concerns City business. Upon receiving official notification that they will be required to perform court duty, the employee should submit a leave request on the prescribed form to their department head along with the subpoena or summons.

The employee will be granted leave only for time actually spent performing court duty. If the employee is excused from duty before the end of the workday, they should report to work for the remainder of the day.

Court leave shall not be used by employees attending court for personal litigation or for other issues unrelated to work. Annual leave or leave without pay must be used for such circumstances.

Part-time and temporary employees shall be eligible for leave without pay for court leave.

### **5.13 FUNERAL LEAVE**

A maximum of three (3) workdays of funeral leave may be taken in the event of a death in a full-time or part-time regular, temporary or working test employee's immediate family. The department head may approve a longer absence for extenuating circumstances but any additional time taken must be charged to accumulated annual leave, compensatory leave or leave without pay.

Part-time and temporary employees shall be eligible for leave without pay for funeral leave.

### **5.14 MILITARY LEAVE**

#### **A. Military leave – Ordered Military Duty**

Any regular or working test employee (part-time or full-time) who is a member of the National Guard or an organized military reserve corps of the United States, and who may be called for ordered military duty (active duty, active duty for training [i.e., summer camp], etc.) will be allowed a leave of absence, with pay, for up to eighteen (18) work days in one calendar year, in accordance with OCGA §38-2-279. The period of paid military leave will begin on the date specified in the orders and extend until the final date of ordered duty, or for eighteen (18) workdays, whichever period is shorter. The employee shall request military leave immediately

and as soon as practicable, submit a copy of their official duty papers to their department head or designee, who will forward a copy of the employee's official orders to the Human Resources Director.

Leave extending beyond this time will be without pay unless granted by the recommendation of the City Manager and the approval of the Mayor and Council.

This policy shall not apply to temporary employees.

#### **B. Declared Emergency**

In the event the governor declares an emergency, a regular or working test employee (full-time or part-time) called to State active duty as a member of the National Guard, shall inform their supervisor or department head immediately and shall be placed on leave of absence with pay for a period of up to thirty (30) workdays in any one (1) calendar year or continuous period of active duty service. The period of paid military leave will begin on the date specified in the orders and extend until the employee is released from duty or for thirty (30) workdays, whichever period is shorter. The employee shall request military leave immediately and submit proper documentation of their orders to the Human Resources Director and department head or designee on their first day back at work.

#### **C. Reemployment Rights**

Regular and working test employees who leave employment with the City to perform active duty for military service with the United States are entitled to reemployment rights with the City in accordance with Federal and state laws governing reemployment rights. Such employees are entitled to reinstatement if:

1. They reapply for employment within the specified limitations;
2. They satisfactorily complete their military service; and,
3. They are able to perform the essential duties of their job

Upon return, they are eligible for appointment to the same position or to a position similar to the one that was held prior to active duty assignment. They are protected from discharge, except for cause, for one (1) year after reemployment and are reinstated with the same seniority, status and pay they would have received if they had not been inducted into military service.

#### **5.15 LEAVE RECORDS**

The Finance Department shall be responsible for ensuring that all accrued leave is posted to each employee's record. The request and use of leave (whether with pay or without pay) by an employee shall be accurately and promptly reported by the department head to the Human Resources Director for proper recording and filing. Leave balances will be maintained and updated on each employee's leave record by Payroll.

#### **5.16 TIMESHEETS - Administrative**

Standard bi-weekly timesheets will be maintained by each department. Overtime earned and leave taken must be documented on appropriate leave and attendance forms and turned in with timesheets each pay week.

#### **5.17 PARENTAL LEAVE**

To provide regulations concerning paid parental leave enabling employees to care for and bond with their newborn or newly adopted child, full-time employees may be eligible for paid parental leave. Paid parental

leave is granted to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption. An employee may receive up to six (6) weeks of paid parental leave during any "rolling" 12- month period, measured backward from the date that any Parental Leave was utilized, which will run concurrently with Family and Medical Leave Act (FMLA), as applicable during any "rolling" 12- month period, measured backward from the date that any FMLA leave is to be used. FMLA leave for the birth or placement of a child for adoption must be concluded within 12 months of the birth or placement.

All eligible employees must be employed full-time with at least one (1) full year of service, having worked at least 1,250 hours during the last 12 consecutive months. The Federal Labor Standards Act does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Employee must have given birth to a child, be the spouse of the individual who has given birth to a child or adopted a child (adopted child must be age 17 or younger)

The employee will provide their supervisor with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary leave forms and provide all required documentation as stated in the City's leave policy.

Employee parents of the same child working in the same department may not use paid parental leave at the same time.

Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay, to be paid on the City's regularly scheduled pay dates.

Approved paid parental leave may be taken at any time during the three-month period immediately following the birth, adoption or placement of the child. Paid parental leave may not be used or extended beyond the three-month time frame.

Employees must take paid parental leave in a six-month period from the date of the qualified event. Any unused paid parental leave will be forfeited at the end of the three-months.

Paid parental leave taken under this policy will run concurrently with leave under FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under FMLA will apply. The total amount of leave granted to the employee under FMLA will not exceed 12 weeks during the 12-month FMLA period.

After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through employee's accrued sick, annual, or compensatory leave. Upon exhaustion of accrued sick, annual or compensatory leave, any remaining leave will be unpaid leave.

If a holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid leave entitlement.

Upon termination of employment with the City, any unused paid parental leave for which the employee was eligible will not be paid out. To avoid the actual or perceived abuse of this benefit, employees will be required to reimburse the City for paid parental leave if they resign their employment within 6 months after the end of the paid parental leave.

#### **5.18 ADVANCED LEAVE**

Subject to approval by the City Manager, a new employee may be credited with up to two weeks of vacation and sick leave effective on the employee's hire date. If the employee credited with such leave resigns within the one-year probationary period and provides the requisite two-week notice of resignation that would otherwise entitle the employee to payment of vacation leave, the payment will only include leave accrued during the time of employment and will not include any leave advanced on the date of hire.



## *Chapter VI*

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### *Position Classification Plan*



## **6.1 POSITION CLASSIFICATION PLAN – Generally**

The position classification plan is the official and approved system of grouping positions into appropriate classifications, including position descriptions, position classifications and guidelines for administration.

1. A position is a group of currently assigned duties and responsibilities requiring the full-time or part-time employment of one person. A position may be occupied or vacant.
2. A classification is a group of positions (or one position) that:
  - a. Have similar duties and responsibilities,
  - b. Require like qualifications, and
  - c. Can be equitably compensated by the same pay range.
3. A classification title is the official designation or name given to the written description of a classification and shall be used on all personnel records and actions. Different working or office titles may be used for purposes of internal administration.

## **6.2 ADMINISTRATOR OF PLAN**

The City Manager shall be responsible for administering the position classification plan. The Human Resources Director will assist the City Manager in this capacity.

## **6.3 CLASSIFICATION OF POSITIONS**

After a new position has been established and approved by the Mayor and the Council, the Human Resources Director, assisted by the department head involved, shall complete a position description covering the duties and responsibilities of each new position. The Human Resources Director shall allocate the position to one of the existing classifications in the plan with the approval of the City Manager. If a suitable classification does not exist, the Human Resources Director and City Manager shall recommend the establishment of a new classification.

## **6.4 REVIEW OF POSITION CLASSIFICATION**

If an employee has facts that indicate to them that their position is improperly classified, the employee may, with the knowledge of the department head, request that the Human Resources Director review the allocation of their position. Such request shall be submitted in writing on a form provided by the Human Resources Director and shall contain a statement of justification. The Human Resources Director shall review the request within fourteen (14) calendar days and submit a written recommendation to the City Manager, who will make the final determination within fourteen (14) calendar days of receiving the recommendation.

## **6.5 MAINTENANCE OF PLAN**

Periodic review of the position classification plan shall be conducted at the following times:

1. Each time a vacancy occurs, the department head shall review the current position description to determine if any changes have occurred in the major duties or requirements of the job. The department head shall submit any necessary changes to the Human Resources Director, who will incorporate the appropriate changes into a new position description. The Human Resources Director will review the allocation of the position and make a recommendation to the City Manager in the event they determine that a new classification is appropriate.
2. It shall be the duty of each department head to submit to the Human Resources Director requests for new position descriptions for all affected positions each time a department or division under their jurisdiction is permanently or substantially reorganized. The Human Resources Director shall prepare new position descriptions and submit classification recommendations to the City Manager.

3. The Human Resources Director may require departments or employees to submit information for new position descriptions on a periodic basis, or anytime they have reason to believe that there has been a change in the duties and responsibilities of one or more positions.
4. Each time a new position classification is established a position description shall be written and incorporated in the existing plan.

#### **6.6 INTERPRETATION OF POSITION DESCRIPTIONS AND CLASSIFICATIONS**

Position descriptions are intended to be descriptive, not restrictive. The use of a particular description as duties, qualifications, or other factors shall not be held to exclude others of similar kind or quality. They are intended to indicate the kinds of positions that shall be allocated to the classifications established.

#### **6.7 OFFICIAL COPY**

The Human Resources Director shall be responsible for maintaining an official copy of the position classification plan. The official copy shall include a list of classification titles and position descriptions plus all amendments thereto.

#### **6.8 ADOPTION AND AMENDMENT OF POSITION CLASSIFICATION PLAN**

When approved by the Mayor and Council, the position classification plan shall constitute the City's classification of all regular positions.

#### **6.9 HOURS WORKED BY PUBLIC SAFETY PERSONNEL**

Academy Recruits are classified as 2080 employees until they are sworn in following graduation and after completing all departmental training by the assigned Field Training Officer. At that time, they are classified as sworn certified officers working 2229.5 hours.

Sworn certified police officers are classified as working 2229.5 hours, whether patrol, sergeant or lieutenant. The salary of a sworn certified police officer classification is divided by 2229.5 hours.

Detectives are classified as 2184-hour employees. The salary of the detective is divided by 2184 hours. The annual salary is neither increased nor decreased moving into or out of a detective position but remains at the annual salary for the position (certified officer or sergeant) the employee holds when assigned to a detective position.

Captains and above are classified as exempt employees paid at an annual salary, which is calculated on a 2080 annual hourly schedule.

Changes to the position classification plan recommended by the City Manager, such as establishment of new classifications or abolishment of current classified positions, shall take the form of amendments to the plan and must be adopted by resolution of the Mayor and Council.



## Chapter VII

### *Pay Plan*



## **7.1 PAY PLAN – Objectives**

The purpose of the pay plan is to provide a systematic way of establishing pay grades and ranges for each position classification. Pay ranges are based on:

1. Comparative salary information, and
2. Internal job evaluation information

It is the objective of the City to provide a fair, equitable, and consistent method of compensation for all employees.

1. External salary information was gathered from areas with population groups, demographic characteristics, and/or geographic locations which closely resemble those of the City of Powder Springs or which were otherwise applicable due to geographic proximity in the preparation of the pay plan.
2. Internal job evaluation information was obtained through a weighted point-factor job evaluation process to determine the relative values of jobs within an organization.

## **7.2 ADMINISTRATION OF PLAN**

The City Manager shall be responsible for administering the pay plan. The Human Resources Director will assist the City Manager in this capacity.

## **7.3 ENTRANCE SALARY – Initial Employment**

Generally, a new employee shall be paid the entry rate of pay for the position classification to which they have been appointed. Exceptions for advanced step hires due to experience and/or education may be granted only upon the prior written approval of the City Manager.

## **7.4 SALARY ADJUSTMENTS – Promotions**

When an employee is promoted to a position in a higher classification, their salary shall be increased to the minimum rate for the higher classification, provided that such movement will give the promoted employee at least a seven percent (7%) promotional increase. Exceptions may be granted only upon written justification from the department head and approval from the City Manager.

## **7.5 SALARY ADJUSTMENTS – Demotions**

When an employee is demoted to a lower class position, they shall be paid at a rate that is within the approved pay range for the lower position classification, but not more than the employee is currently earning at the time of the demotion. The rate of pay shall be set by the department head, Human Resources Director, and the City Manager, taking into consideration the circumstances surrounding reasons for the demotion. Generally, a demotion will include a decrease in salary of five percent (5%) up to a maximum of seven percent (7%).

## **7.6 SALARY ADJUSTMENTS – Transfers**

When an employee is transferred to another position (either within the same department or in another department) with the same salary range and status, the employee's status and pay shall remain the same.

## **7.7 CLASSIFICATION DOWNWARD**

When an employee's position is classified to a lower position classification and their present salary is above the maximum for the lower position classification, the position will be red-flagged frozen until vacant. Thus, the employee shall be permitted to continue at their present rate of pay during their period of incumbency

(except in the event of general service-wide reductions) but shall not be entitled to any pay increase that increases base pay.

## **7.8 PERFORMANCE APPRAISAL**

The City Manager will implement a performance appraisal system for the City. The purpose of the performance appraisal system is to provide a formal means of communicating information to the employee concerning their work-related strengths and weaknesses. Performance appraisals will be used as a factor in determining promotions, merit pay increases and disciplinary actions.

### **A. Instrument**

The City Manager will select performance appraisal instruments for the jobs in the City. The instrument may be the same for all jobs, or the City Manager may select special instruments that apply to particular classes of jobs.

### **B. Frequency**

A performance appraisal will be performed on working test employees at the end of their first six (6) months in the new position and at the end of the working test period (normally twelve months). However, there are NO pay increases given with the initial six (6) month evaluation. An employee does not become eligible for a merit increase until they have successfully performed their job and completed the working test period, normally one (1) year from the date they were hired or promoted (anniversary date). For full-time regular employees, a performance appraisal will be performed yearly. The Human Resources Director will ensure that department heads are informed at least ten (10) workdays in advance of the date than an employee is due for a performance appraisal.

### **C. Levels of Performance**

All performance appraisals will be reviewed by the City Manager prior to the supervisor conducting the rating review session with the respective employee.

All performance ratings and merit pay increases are subject to approval by the City Manager and availability of funds.

### **D. Rating Review Session**

The supervisor will arrange for a rating review session with the employee within ten (10) workdays of receiving notice from the City Manager. Each time a performance appraisal review is conducted, the appraising supervisor will hold a private session (although the City Manager or Human Resources Director may also be present) with the employee to explain the rating and review the reason(s) for the ratings.

### **E. Salary Advancements (Pay Increases)**

Salary advancements (pay increase) associated with performance appraisal ratings shall be granted in accordance with Section 7.9A of these policies.

### **F. Signature and Employee Comments**

After the private session, the employee and supervisor will sign the appraisal instrument, indicating that the appraisal and ratings have been explained. The employee's signature does not necessarily indicate that the employee agrees with the appraisal or the rating.

The supervisor should forward the performance appraisal to the department head for their review and signature. The performance appraisal should then be forwarded to the Human Resources Director for final review before being forwarded for approval by the City Manager.

Employees will be given the opportunity to submit written comments and observations to the Human Resources Director concerning any performance appraisal with which they disagree, in whole or in part, within fifteen (15) calendar days of the appraisal review with their supervisor. Such comments will be attached to the performance appraisal document and placed in the employee's personnel file.

## **7.9 SALARY ADVANCEMENTS – Generally**

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

### **A. Annual Merit Increase**

The first payroll period following the passage of twelve (12) months after the date of employment or promotion shall be the effective date of eligibility for any salary adjustment for employees hired or promoted subsequent to the adoption of policies. The initial pay increase shall be subject to the completion of a performance rating according to the provisions included in the classification and compensation study. The Human Resources Director shall certify that the performance rating has been prepared in writing on the prescribed form. The City Manager shall have the authority to grant or deny a merit increase after reviewing the performance rating. Merit increases are directly dependent upon availability of funds as defined by the approved City budget.

Subsequent eligibility for annual pay increases shall be based on performance ratings (merit) and may be granted on an annual basis at the recommendation of the department head and approval by the City Manager, subject to the performance ratings provisions included in the classification and compensation study, until the maximum pay of the pay range has been reached. The Human Resources Director shall certify that the performance rating has been prepared in writing on the prescribed form. The City Manager shall have the authority to grant or deny a merit increase after reviewing the performance rating. Merit increases are directly dependent upon availability of funds as defined by the approved City budget.

### **B. Other Pay Increases**

Pay increases other than those outlined above may be given only upon recommendation of the department head and approval of the City Manager.

## **7.10 MAINTENANCE OF PLAN**

The Human Resources Director shall cause the pay plan to be examined annually for the purpose of revision, and on the basis of conclusion reached through this examination, make recommendations of the pay plan to the City Manager. All revisions to the existing pay plan must be made by amendments approved by the Mayor and Council.

## **7.11 OFFICIAL COPY**

The Human Resources Director shall be responsible for maintaining an official copy of the pay plan. The official copy shall include a list of positions and the pay grades and ranges assigned to those positions, plus any amendments, thereto. A copy of the official pay plan shall be available for inspection by the public under reasonable conditions during business hours.

## **7.12 ADOPTION AND AMENDMENT OF PAY PLAN**

The pay plan shall be adopted by ordinance of the Mayor and Council and shall remain in effect until amended by ordinance of the Mayor and Council.

Upon adoption by the Mayor and Council, such plan shall constitute the City's pay schedule for classifications of all classified positions for the ensuing fiscal year and thereafter until the current pay plan is amended or a new pay plan is adopted by ordinance of the Mayor and Council.

## **7.13 PAY ADJUSTMENTS – Field Training Officer**

Law enforcement officers who are employed with the City for three years and who become field certified training officers shall receive a pay increase upon said certification and completion and submittal of a personnel action form to the Human Resources and Finance Departments.

#### 7.14 PAY ADJUSTMENTS – Interpreter Certification

City employees may participate in the SeSo Interpreter Certificate Program for certification stipend. To participate in the sessions, the employee must be fully bilingual and, as part of the training, successfully complete a brief phone language assessment with the program representative to ensure the employee is qualified to participate. The program is a minimum 16-hour training and can be offered as an 8-hr in-person training plus four 2-hr virtual sessions of skill-building activities. The schedule can be customized. Upon completion and certification from the program, the successful employee will receive an annual stipend of \$1300, payable \$50 each pay period, subject to budget availability and active participation as an interpreter on behalf of the City serving City residents and businesses.

#### 7.15 LONGEVITY BONUS

Subject to budget availability in year of disbursement, longevity pay will be administered to City employees in December or January of a given year, according to the following schedule:

<u>Completed Years of Service</u>	<u>Annual Lump Sum</u>
0-1	\$50
2	\$100
3	\$150
4	\$200
5	\$360
6	\$480
7	\$600
8	\$720
9	\$840
10	\$960
11	\$1,080
12	\$1,200
13	\$1,320
14	\$1,440
15	\$1,560
16	\$1,680
17	\$1,800
18	\$1,920
19 and beyond	\$2,040



## *Chapter VIII*

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### *Separations*



## **8.1 SEPARATIONS – Generally**

For the purpose of these policies, separation from employment with the City shall be considered one of the following:

1. Resignation;
2. Constructive Resignation;
3. Reduction in Force;
4. Dismissal

## **8.2 RESIGNATION**

A resignation is a voluntary separation by an employee from employment with the City. Two (2) weeks shall be the standard period of notification that an employee shall provide the City regarding their resignation. Failure to provide at least two (2) weeks' notice shall result in the forfeiture of all accrued leave benefits unless waived by the City Manager. The City Manager or designee may waive the two (2) week resignation notice requirement for reasons of convenience to the City, and may accept the resignation effective the date the notice is received.



*To resign your job, give a written notice at least two (2) weeks in advance to either your immediate supervisor or department head. Failure to provide at least two (2) weeks notice of your resignation shall result in the forfeiture of all accrued leave benefits, unless waived by the City Manager*

The department head shall immediately notify the City Manager and Human Resources Director of the resignation and forward the resignation to the Human Resources Director within twenty-four (24) hours of receipt.

A separation may not be effective on a holiday, and in no event shall the effective date of any separation be extended by the use of annual leave unless otherwise approved by the City Manager.

## **8.3 CONSTRUCTIVE RESIGNATION**

Any employee who, without valid reason, fails to report to work for three (3) consecutive workdays without being on approved or authorized leave may be separated from employment with the City and reported as a constructive resignation. A constructive resignation for full-time regular employees will follow the procedures in Section 9.4.

## **8.4 REDUCTION IN FORCE**

The City Manager, subject to the Mayor and Council approval, may effect a reduction in force by reason of shortage of funds, or other material change in duties or organization on the basis of seniority, performance, ratings and individual qualifications.

## **8.5 DISMISSAL**

Dismissal is the involuntary separation of an employee from employment with the City for disciplinary reasons. For an unapproved absence from work, please see Section 8.3

A working test, temporary, or part-time employee may be dismissed at any time upon the recommendation of the department head, review of the Human Resources Director and approval of the City Manager. The dismissal may be effective immediately.

A full-time regular employee may be dismissed from employment with the City in accordance with **Section 9.4.**

## **8.6 SEPARATION PROCEDURES**

### **Exit Interview**

Upon notification of an impending separation, the Human Resources Director will schedule a time to meet with the separating employee for the purposes of:

1. Completing necessary paperwork; and,
2. To inform the employee that the department head will determine whether uniforms, keys, equipment, etc. need to be turned in prior to receipt of their final paycheck.

The Human Resources Director shall complete the proper form to certify that the meeting was completed. The meeting will normally take place on the last day of employment.

Once the procedures have been completed, a separating employee will receive their final paycheck on the next regular payroll check run following separation of employment.

Under normal circumstances, a regular employee, upon separation from employment, shall be paid for all unused accumulated annual leave and compensatory leave (for non-exempt employees only) at the employee's normal rate of pay, as provided for under these policies. However, upon the separation of an employee, all unused sick time shall be forfeited (refer to **Section 5.7D**).

Except for the minimum wage, an employee separating from employment with the City shall not be compensated if that employee has any outstanding financial obligations to the City or has unauthorized possession of City property.



## *Chapter IX*

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### *Discipline*



## **9.1 DISCIPLINARY ACTION – Generally**

The City Manager is responsible for the proper and efficient operation of the City and for enforcing City policies and regulations. It is the responsibility of employees to observe adopted policies and regulations. Employees who violate adopted policies and regulations will be subject to corrective and/or disciplinary action. Nothing contained herein alters the at-will nature of an employee's employment with the city.

Disciplinary action is considered to be a managerial tool employed to ensure effective job performance and conformity to prescribed policies and procedures, and to assist in the correction and elimination of work-related problems. Where appropriate, disciplinary actions should be progressive in nature and should begin with efforts to communicate job requirements and the expectations for the supervisor to the employees in an informal manner such as through discussion and job counseling when it has become apparent that a problem exists. Failure of an employee to improve job performance or resolve conduct problems following discussion will result in escalation of the disciplinary process.

Certain conduct may be of such severity that it cannot be appropriately handled through progressive procedures and may require immediate resolution. Violations of this nature may include, but are not limited to:

1. Falsification of any official or other job-related records;
2. The unlawful use, possession, manufacture, distribution or sale of controlled substances or alcohol;
3. The improper use of prescription medicines or other legal medications and drugs, or being under the influence of any illegal substance at work;
4. Theft of City property or stealing from fellow employees or visitors while at work;
5. Carelessness that results (or could result) in serious injury to others or yourself while at work.

The department head may take disciplinary action with approval by the City Manager against any employee who violates established policies.

## **9.2 REASONS FOR DISCIPLINARY ACTION**

Some of the reasons for disciplinary action include:

1. Failure to perform at an acceptable level of competence as determined by the department head (this may include excessive tardiness, excessive absenteeism, lost time or inefficiency);
2. Disregard for and violations of City ordinances, departmental policies and regulations, including safety rules;
3. Misuse, misappropriation, negligence or destruction of any City property, vehicle or equipment including the use of such items for personal gain or use;
4. Inexcusable absence from work;
5. Violation of any reasonable or official order, refusal to carryout lawful and reasonable directions given by a supervisor or other acts of insubordination;
6. The unauthorized purchase or consumption of alcoholic beverages on City property, in a City vehicle, while in City uniform, or on City time;
7. The abuse or misuse of prescription or non-prescription drugs or other forms of medication or any mind-altering substance;
8. The unlawful manufacture, dispensation, distribution, possession or use of controlled substances;
9. Any violation of the City's Drug and Alcohol Workplace policy;

10. Giving false information to City officials, City employees, or the general public which shall include information that is regarded as gossip;
11. Unauthorized disclosure of confidential or privileged information or its use for private gain;
12. Any conduct, on or off duty, that reflects unfavorably on the employee and/or City;
13. Refusal to be examined by a City-authorized and licensed physician when so directed in accordance with these policies;
14. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage, or for other improper reasons;
15. Discourteous behavior to the general public or to other City employees;  
Involvement in illegal activity;
16. Failure to report an occupational injury or accident in a timely manner;
17. Possession of firearms or other dangerous weapons or articles by non-police personnel while on duty;
18. Harassment of other City employees or the general public;
19. Violation of the City's sexual harassment policy as prescribed in these policies;
20. Acceptance of gifts/gratuities not permitted by City policies;
21. Organization and/or participation in prohibited political activity or in a work strike against the City;
22. Sleeping while on duty;
23. Allowing one's self to be in a position or circumstance which inhibits one's ability to properly and professionally perform one's job duties;
24. Loss of, or inability to satisfy, a qualification required for the position held;
25. Not complying with required training;
26. Violation of any city policy or failure to follow any written and approved policy; or
27. Any action that is detrimental to the City or its operations, including but not limited to any action that adversely affects public trust and confidence, brings discredit to the City, or interferes with the City's mission.

These violations serve as guidelines for employees although they are not necessarily exhaustive. The City retains the right to administer disciplinary action for offenses not specifically reflected in these policies.

### **9.3 TYPES OF DISCIPLINARY ACTION**

Disciplinary action may be taken against an employee in the form of a reprimand and/or an adverse action. The four (4) types of adverse action are disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, and dismissal. Other than dismissal, any of these disciplinary actions can be accompanied by a probationary period or last chance agreement.

These types of disciplinary action are defined as follows:

#### **A. Reprimand**

A reprimand is a means of communicating a warning to an employee that an inappropriate behavior in the workplace has occurred or that a work-related problem exists and must be corrected.

##### **1. Oral Reprimand**

The department head shall communicate to the employee their observations of the problem and state the action(s) necessary to correct the problem in a private meeting. The oral reprimand shall be documented by the department head to show the date and nature of the reprimand and all persons present at the time of the incident and/or reprimand.

The employee shall be advised that the reprimand will be documented in their personnel file and that the employee may submit comments for their personnel file relating to the oral reprimand.

**2. Written Reprimand**

The written reprimand is a formal means of communicating in writing to an employee a warning that a problem exists, must be corrected, and the consequences if the problem continues to persist. The written reprimand shall be prepared by the supervisor or department head and shall include the date the problem occurred, the date of the written reprimand and a statement of the problem and action(s) necessary to correct the problem.

The employee should sign the written reprimand. A copy of the written reprimand shall be forwarded to the Human Resources Director for inclusion in the employee's personnel file. The employee shall have the opportunity to submit a response in writing for inclusion in their personnel file.

**B. Adverse Action**

This is an action initiated by the department head with approval by the City Manager that results in a disciplinary suspension without pay, a disciplinary salary reduction, a disciplinary demotion, or a disciplinary dismissal. The procedures outlined in Section 9.4 shall be followed for any adverse action taken against a full-time regular employee.

The department head may take disciplinary action, including dismissal, with approval by the City Manager against a working test, part-time or temporary employee without the necessity of following the procedures in Section 9.4.

**1. Disciplinary Suspension Without Pay**

An employee may be suspended without pay for a violation of policies governing performance and/or conduct that does not warrant demotion or dismissal. The suspension without pay shall normally not exceed thirty (30) calendar days in one (1) calendar year. The duration of the suspension shall depend upon the nature of the offense.

**2. Disciplinary Salary Reduction**

An employee's salary may be reduced a minimum of five percent (5%) up to a maximum of seven percent (7%) for disciplinary purposes. This shall not constitute a demotion in pay grade.

**3. Disciplinary Demotion**

An employee may be demoted to a vacant position of a lower pay grade for disciplinary reasons if the employee is qualified to perform the work of the lower position. This shall entail a reduction in salary as outlined in Section 7.5.

**4. Dismissal**

An employee may be dismissed from employment with the City in accordance with Section 9.2. The procedure outlined in Section 9.4 shall be followed for dismissals involving full-time regular employees.

**9.4 ADVERSE ACTION PROCEDURE FOR FULL-TIME REGULAR EMPLOYEES--Disciplinary Suspension without Pay, Disciplinary Salary Reduction, Disciplinary Demotion or Dismissal**

The following procedure will be followed upon the initiation of any adverse action against a full-time regular employee involving disciplinary suspension without pay, disciplinary demotion, disciplinary salary reduction, or dismissal as described in Section 9.38.

**A. STEP 1: Notification of Proposed Adverse Action**

The department head will notify the Human Resources Director in writing immediately of their intent to take adverse action, and the Human Resources Director will notify the City Manager or designee. An employee can be placed on administrative leave with or without pay at the City Manager's discretion.

The department head shall provide the affected employee with written notification of the proposed adverse action. The notification will contain the following:

1. The proposed effective date of the adverse action;
2. The specific charges or reasons for the action;
3. A statement informing the employee of the opportunity for a Review Hearing in person with the City Manager or designee before the proposed adverse action is effective.
4. A warning that failure to respond to the City Manager or designee will result in a waiver of all further appeal rights.

**B. STEP 2: Employee Response**

The employee may respond to the Notice of Adverse Action before the proposed effective date and request a Review Hearing in person with the City Manager or designee prior to the effective date of



*An employee can be placed on administrative leave with or without pay at the City Manager's discretion*

the adverse action. An employee may be accompanied by an interpreter when it is necessary.

**C. STEP 3: Review Hearing**

Within five (5) business days, or before the date of the action, whichever is earliest, the City Manager or designee considers the employee's response to the proposed adverse action in a Review Hearing, which will be recorded and placed in the employee's personnel file within five (5) business days.

**D. STEP 4: Notice of Final Action**

After considering the employee's response, the City Manager or designee makes a determination as to whether the employee has successfully refuted the charges and notifies the employee of their decision within two (2) working days after the hearing. If the response is in favor of the employee and the employee had been placed on suspension without pay, the employee may receive payment

for that period of time. The notice of final action shall contain a statement informing the employee of the right to appeal an adverse action pursuant to Section 10.1 - 0 of these policies.

**E. Postponement of Deadline.**

If the employee responds to the City Manager or designee (as described in Step 2), the City Manager or designee may postpone the deadline for the final notice by a specific number of days to conduct further investigation, with written consent from the employee. If the deadline for the final notice is postponed, the effective date of the final action will be postponed by as many days.

**9.5 EMERGENCY ACTION**

A department head may take immediate action against a full-time regular employee under emergency situations. The immediate action will be to suspend the employee with or without pay until an investigation can be conducted. If adverse action is appropriate, the procedure described in Section 9.4 will be followed for regular employees under normal circumstances. If the employee is unable to communicate or respond, the employee will be placed on leave with or without pay until it is determined that the employee cannot return to work or until the employee can respond. Examples of emergency situations include, but are not limited to crimes of moral turpitude, the commission of a felony, injurious or dangerous behavior, or damage to, or destruction of, public property.

A department head may take immediate adverse action against a working test, part-time, or temporary employee without the necessity of following the procedures in Section 9.4 or 9.5.

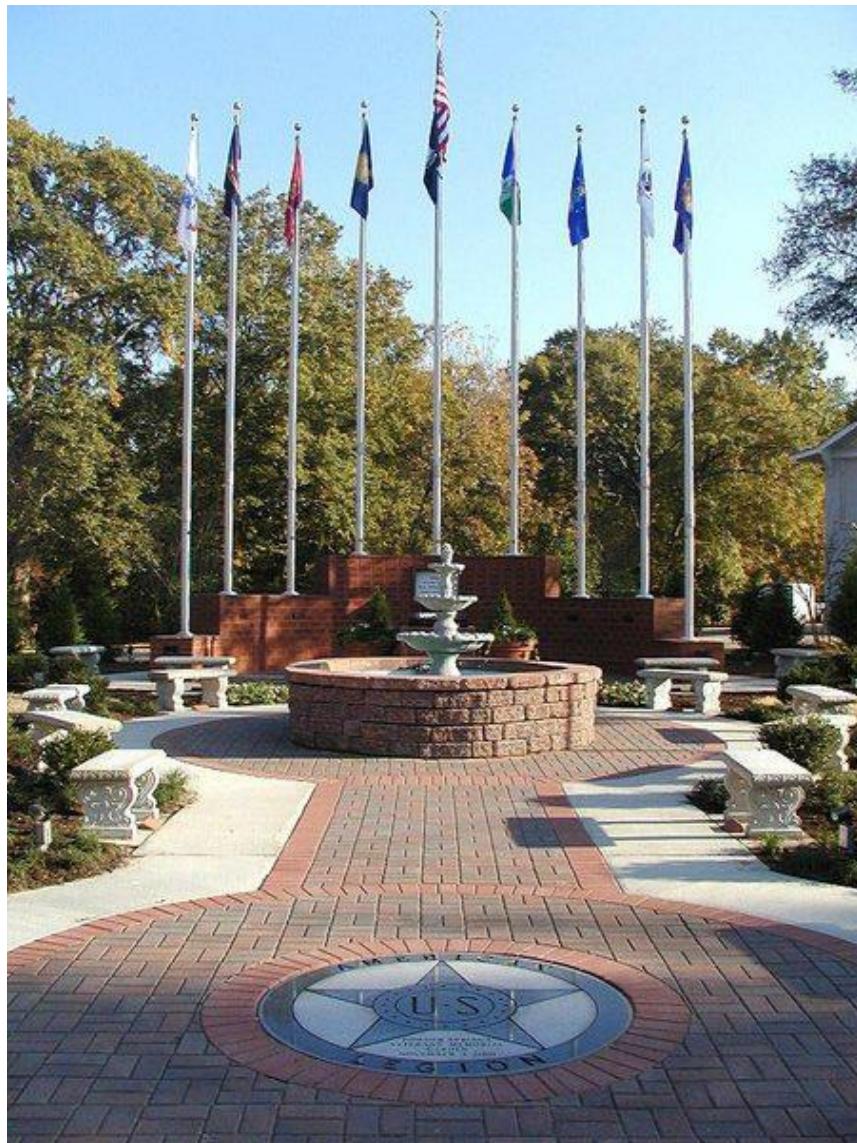


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## *Chapter X*

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### *Grievance*



## **10.1 GRIEVANCE – Generally**

The grievance procedure is a communications process for hearing grievable complaints of all employees (including full-time regular, working test, part-time and temporary) by the employee's department head and/or City Manager.

## **10.2 PURPOSE**

The purpose of the employee grievance procedure is to provide an orderly process for hearing the grievable complaints of all employees. The objective of the process is to reach a fair and equitable decision in a timely manner. When possible, the employee and immediate supervisor should make every effort to resolve any grievance before the employee files a written grievance with their department head. Retaliation and discrimination against employees who file grievances is prohibited.

## **10.3 DEFINITION**

Misunderstandings or conflicts may arise that can impede effective working relations. It is imperative that a structured process allow for the resolution of such matters. A grievance is a complaint or dispute by an employee alleging:

- a. That the employee's employment or productivity has been adversely affected by unfair treatment;
- b. The existence of unsafe or unhealthy working conditions;
- c. The erroneous or capricious application or interpretation of City policies and procedures; or
- d. Unlawful discrimination.

## **10.4 NON GRIEVABLE AREAS**

The following areas are not grievable:

1. Issues that are pending or have been concluded by other administrative or judicial procedures.
2. Work assignments, which do not result in a demotion or salary reduction.
3. Budget allocations and organizational structure, including the persons or number of persons assigned to particular jobs or units.
4. The content or rating of a performance evaluation except when the employee can show that he/she was adversely affected by the evaluation.
5. The selection of an individual by the department head or Manager to fill a position through appointment, promotion or transfer except when the employee can show adverse effect because of unlawful discrimination.
6. Disciplinary actions involving reprimands or adverse actions except when the employee can show adverse effect because of unlawful discrimination.
7. Any matter that is not within the jurisdiction or control of the City.
8. Internal security practices established by the City Manager, and/or Mayor and Council.
9. Decisions, practices, resolutions, or policies made or passed by the City Manager and/or Mayor and Council which are not job or work related and which do not contradict these policies.
10. Matters falling within Section 1.6

## **10.5 GRIEVANCE PROCEDURE – Steps**

The employee grievance process provides for the following three (3) steps.

### **A. STEP 1: Filing**

An employee may file a written grievance with their department head within fifteen (15) calendar days after the occurrence of the event being grieved, or within fifteen (15) calendar days after becoming aware of the event. The grievance statement must be submitted to the department head in writing, and it must state the specific complaint and the specific relief desired.

The department head must forward a copy of the grievance statement to the Human Resources Director and City Manager within twenty-four (24) hours of receipt to ensure appropriate steps are taken to resolve the grievance. Once a complaint has been filed, the Human Resource Director will determine if the grievance is properly filed and grievable. The Human Resource Director will send the grievant and department head a written notification of his/her determination within three (3) business days of the grievance being filed.

If the complaint is not grievable, the notice will explain the reason for that determination.

The Human Resources Director will be present at all grievance hearings and will maintain official copies and all correspondence and records pertaining to the grievance.

#### **Exceptions**

In unusual circumstances, if the employee does not feel comfortable communicating their complaint to their department head, the grievance may be addressed directly to the City Manager and the grievance statement must include an explanation of why the grievance was not filed with the department head.

### **B. STEP 2: Department Head**

If the complaint is grievable according to these policies, then the department head must schedule the first hearing within twenty (20) calendar days after the grievance is filed. The first grievance hearing will be limited to the department head, the Human Resources Director, the grievant, and any witnesses the grievant wishes to bring.

The grievant will be self-represented and will be given the chance to present their complaint and answer questions posed by the department head. The department head will listen to the grievant's presentation and question the grievant to obtain pertinent facts about the claim. The Human Resources Director may act as a facilitator during the hearing.

After the hearing, the department head will review the claim, evidence and requested relief, and will report a decision in writing to the grievant. The department head must notify the grievant of the decision in a written statement within fifteen (15) calendar days of the first hearing. The notice should include a statement of the grievant's right to a second hearing. The department head will also forward a copy of the written decision to the Human Resources Director to be properly filed, and to the City Manager.

### **C. STEP 3: City Manager**

If the grievant is not satisfied with the results of the first hearing they must file a request for a second hearing with the Human Resource Director within fifteen (15) calendar days of receipt of

the decision of the department head. The City Manager will serve as the second hearing officer and will schedule a hearing within twenty (20) calendar days from the date the employee requests a second hearing. Those present at the hearing will be the City Manager, the Human Resources Director, the grievant, and any witnesses the grievant wishes to bring. The City Manager may conduct any necessary investigation in the process of resolving the grievance, or may allow any relevant decision maker to be present during the second hearing.

The grievant will be self-represented and will be given the chance to present their complaint and answer questions posed by the City Manager. The City Manager will listen to the grievant's presentation and question the grievant to obtain pertinent facts about the claim. The Human Resources Director may act as a facilitator during the hearing.

After the hearing, the City Manager will review the claim, evidence and requested relief, conduct any further investigation deemed necessary, and report the decision in writing to the grievant. The City Manager must notify the grievant of the decision in a written statement within fifteen (15) calendar days of the second hearing. The City Manager will also forward a copy of the written decision to the Human Resources Director and the department head.

The City Manager's decision will be final.

#### **10.6 POSTING OF PROCEDURE**

Grievance procedures will be posted in a conspicuous place in each department.



## *Chapter XI*

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### *Appeal*



## **11.1      GENERALLY**

An appeal is a formal review requested by an affected full-time regular employee of an adverse action. The City's appeals process is limited to full-time regular employees only. The appeal process does not alter the at-will nature of employment with the City, nor does it create due process rights or a right to continued employment.

## **11.2      REASONS**

An appeal to the appeal hearing officer can only be filed as a result of any adverse action as defined in Section 9.3B.



*Not all actions taken against you are appealable. Generally, you may not file an appeal about your salary, your benefits, hours of work or a reduction in force. Only persons who have completed the working test period may file an appeal. Only adverse actions are subject to appeal.*

A full-time regular employee must respond to the notice of proposed adverse action according to the procedures in Chapter IX before an adverse action can be appealed.

## **11.3      APPEAL HEARING OFFICER**

An appointed Municipal Court Judge for the City of Powder Springs will serve as Appeal Hearing Officer (AHO). The City Manager will select the AHO from a list of current Judges appointed by the City Council.

## **11.4      FILING**

An employee must file an appeal in writing with the City Manager within five (5) calendar days of the final decision of the City Manager involving adverse action. The appeal shall contain a statement describing what is being appealed and the reason(s) for the appeal. The City Manager will notify the Appeal Hearing Officer of the filing of an appeal within five (5) business days of the appeal being filed, at which time the appeal will be forwarded to the Appeal Hearing Officer, who will determine if the case is appealable and properly filed.

Within five (5) days of notification, the AHO will notify the employee and the City Manager of the date, time and place of the hearing in writing. The hearing must be within fourteen (14) days of employee filing the appeal. If the AHO determines that the appeal is not appealable, then the employee requesting the appeal will be notified in writing of the reasons for this determination within five (5) business days of the AHO's receipt of the appeal.

### **A. Filing – Deadlines**

The City strives to resolve all appeals by the deadlines established in this policy; however, each appeal is unique and the circumstances of a particular appeal may prevent the meeting of a deadline. If it is not possible for the City to meet a deadline, every effort will be made by the parties involved to minimize the delay and proceed through the processes outlined in this policy as soon to the deadlines as possible.

All deadlines established in this policy are stated in term of business days. If a deadline falls on a weekend or scheduled holiday, the deadline will be the next regularly scheduled work day.

**a. Filing – Advisors**

Each party in the appeal may elect to have an advisor present to assist or support the party. The advisor is permitted to serve in an advisory capacity only, not as an advocate or spokesperson for the party.

**b. Filing – Time Allowed for preparing an appeal**

An employee filing an appeal under this policy is not permitted to prepare his/her appeal during working time. An employee may take annual or compensatory leave to prepare an appeal, as long as the leave is approved in advance by the employee's supervisor.

**c. Filing – Confidentiality**

All individuals participating in an appeal under this procedure must keep information related to the appeal confidential, except what is necessary to fulfill the requirements of this policy or to the extent permitted by law.

## **11.5 PRE-APPEAL HEARING PROCEDURE**

The employee filing the appeal will be required to prepare a written summary of the allegations, compile relevant documentation, provide a list of witnesses who can substantiate the allegations or documentation, including a statement as to what each witness will testify about, and supply the name of the advisor who will attend the hearing. The employee is responsible for providing this information to the City Manager ten (10) business days in advance of the scheduled hearing.

The City, or its' representative to the appeal will be required to prepare a written summary to the Employee's allegations, compile relevant documentation, compile a list of witnesses, including a statement as to what each witness will testify about, and supply the name of the representative who will attend the hearing. The City is responsible for providing this information to the Employee five (5) business days in advance of the scheduled hearing.

Only new evidence that could not reasonably be discovered by either of the parties at the time of the hearing will be considered or accepted by the AHO after the relevant deadlines prior to the hearing.

## **11.6 CONDUCT OF HEARING**

Attendance at the hearing is limited to the AHO, the Human Resource Director, the City Clerk, the City Manager, the City's representative, the employee and the employee's representative and transcriber. . Witnesses may only be present while testifying.

The AHO will preside at the hearing and will rule upon all procedural matters. The formal rules of legal procedure and evidence will not apply. The AHO will follow these procedures with flexibility and may act in a manner that allows him/her the ability to receive sufficient information on which to base a recommendation.

The AHO will make his/her decision and recommendations based solely on the information presented by the parties during the hearing. The burden of proof is on the employee who shall have the burden of proving the allegations raised in the appeal hearing upon the preponderance of the evidence, which means that the fact sought to be proven is more probable than not.

All relevant evidence, including hearsay, may be admitted. The Judge may exclude information if it is immaterial or irrelevant.

The hearing will be recorded or transcribed and any recordings or transcriptions will be stored in the City Clerk's Office. Copies of the tapes or transcriptions may be obtained upon request and payment of copying expenses, only after the AHO has forwarded his/her final recommendation to the Mayor and Council.

The hearing will begin with an opening statement from the AHO, followed by opening statements first from the employee or their representative and then the City or their representative. Each opening statement will be limited to 15 minutes. Following opening statements, witnesses, if any, may be called to testify. The employee and the City (or their representative) have the right to question each witness. The party asking questions should not testify while questioning a witness. The Judge may ask questions of the witness(es), employee and the City at any time. The hearing will end with closing statements which will be limited to 15 minutes. The first closing statement will be made by the respondent or their representative, followed by the employee or their representative and then by the AHO.

#### **11.7 POST HEARING ACTIVITIES**

The AHO will prepare a report consisting of a summary of the testimony, findings of facts and recommendations. The AHO's recommendations for resolving the appeal will be separated from those that provide suggestions or comments on the operations or the management of the unit, if any, so as to specify clearly those sections of his/her decision that relate to the resolution of the appeal and those that relate to operations.

Within five (5) business days of the hearing, the AHO will submit the report to the City Attorney to ensure that the recommendations are in compliance with the policies of the City of Powder Springs. If there is a policy concern, the City Attorney will contact the AHO to clarify the recommendation. The City Attorney must complete his/her review within five (5) business days. Once the City Attorney has reviewed the AHO's report, the City Attorney will submit the report to the Mayor and the Council.

#### **11.8 THE DECISION**

The Mayor and the Council will make a final decision within ten (10) business days of receiving the AHO's report. The final decision will be communicated, in writing to the employee and City Representative. The AHO's report may also be provided to the parties.

#### **11.9 RECORDKEEPING**

The City Clerk will be responsible for maintaining official files of all appeals, hearings, and decisions relating to the appeal process. Upon receiving this document, questions or confusion related to the policies herein should be directed to the Human Resources Director.



# Appendix A

## *Travel Policy*



## I. Purpose

These provisions establish the policy governing authorized travel for employees, consultants, and other authorized persons who travel at the expense of the City of Powder Springs. In conjunction with the annual budget process, the City Council shall authorize department appropriations for travel and meal expenses consistent with the annual adopted operating budgets. Departments shall not incur travel expenditures unless an appropriation is available or budget amendment has been completed. This policy will provide control functions, assure proper record keeping and ensure fiscal responsibility whenever training is required.

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*TRAVELERS SHOULD RECOGNIZE THEY ARE USING PUBLIC FUNDS AND ARE EXPECTED TO EXERCISE THE SAME CARE IN INCURRING TRAVEL EXPENSES THAT ANY PRUDENT PERSON EXERCISES WHEN TRAVELING ON BUSINESS. BOTH COMMON SENSE AND PROFESSIONAL JUDGEMENT SHOULD BE EXERCISED AT ALL TIMES.*

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## II. Definitions

For the purpose of this policy and procedure, the following words or phrases shall mean:

1. Authorized Travelers
2. City employees. An individual filling an authorized position in the City, other than Council members, including positions staffed by outside contractors.
3. All other travelers. Persons, including consultants, other than Council members and City employees authorized in writing in advance by the City Manager or designee to travel at the expense of the City.
4. Business Client. Any person, other than a Council member or employee, who receives the services of or is subject to solicitation by the City in connection with the performance of its lawful duties; and other business, financial, promotional, or other persons affiliated with the City.
5. Common Carrier. Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm.
6. Complimentary Upgrade. Any seat assignment arranged in advance by specific request of the traveler or by an airline employee that provides the Authorized Traveler with a class of travel in excess of the airfare paid.
7. Daily Travel. All travel, including conferences and seminars, that does not require an overnight stay.
8. Denied Boarding Customer. Those Authorized Travelers that have been denied boarding a flight by the Airline because of overbooking, mechanical problems or other flight delays.

9. Domestic Travel. Travel within the United States, including US Territories where use of a passport is not required.
10. Emergency Notice. Notification given to a traveler less than twenty-four (24) hours prior to the start of a travel period.
11. Entertainment Expenses. The actual and reasonable costs of providing hospitality for business clients or guests, which are defined and prescribed as set forth in this policy.
12. Guest. A person, other than a Council member, employee, or other Authorized Traveler, authorized by the City Manager or designee, to receive the hospitality of the City in connection with the performance of its lawful duties.
13. International Travel. Travel not within the definition of Domestic Travel.
14. Most Advantageous Method of Travel. The mode of transportation (City-owned vehicle, privately owned vehicle, common carrier, etc.) and schedule of transportation, taking into consideration the following:
  - the purpose and nature of the travel;
  - the most efficient and economical means of travel (considering the time length of the trip, number of connections, time of day, cost of transportation and Per Diem or subsistence required, early booking of airline reservations to take advantage of discounted fares); and,
  - the number of persons making the trip and the amount of equipment or material to be transported.
15. Official Headquarters. The physical location to which the employee or other traveler is assigned to perform their regular duties.
16. Per Diem. Amounts paid for travel expenses on a daily basis, based on Per Diem tables published by the General Services Administration (GSA) or otherwise contained herein.
17. Standardized Regulation. The document published monthly by the US Department of Commerce entitled "Standardized Regulations -- Government Civilians, Foreign Areas." A copy of which can be obtained from Finance.
18. Standby Seat. A seat assigned by the airline to an Authorized Traveler when traveling in a standby mode.
19. Travel Day. A period of twenty-four (24) hours beginning at midnight.

20. Travel Expenses. The actual and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by a traveler, which are defined and prescribed as set forth in this policy.
21. Travel Period. The period of time between the time of departure and time of return.

### III. Travel Principles and Objectives

It is the responsibility of the traveler to comply with this policy and to be knowledgeable of the nature and extent of reimbursable expenses.

It is the general policy of the City to reimburse reasonable travel and entertainment expenses, incurred during authorized travel, subject to any limitations provided for in this policy.

If an Authorized Traveler or Business Client on a trip deviates from this policy for justifiable reasons, the circumstances of the deviation and the reasons therefore are to be documented and reviewed for approval by the City Manager.

Except as noted above, noncompliance with this policy will be addressed in accordance with the City's ethical or conduct policies and reimbursement may be denied.

### IV. Planning and Approval

#### A. Travel Authorization

All requests for travel (domestic and international) must be submitted on the Travel Authorization & Expense Report (Report) in advance of the travel. It should contain the dates of travel, a total budget amount and all other pertinent information required by Finance to review the requested travel arrangements. The approving authority must ensure that funding is available in the appropriate line-item budget. The Report must include a statement of purpose for the travel and indicate the benefits to the City. A copy of any printed program or agenda shall also be submitted. If none is available, a statement to that effect must be submitted. The Report must be signed by the traveler, and approvals obtained in advance of the proposed travel, as follows:

<u>Type of Travel</u>	<u>Approval Authority</u>
Budgeted Daily	Department Heads or designee
Unbudgeted Daily	City Manager or designee
Budgeted Domestic	Finance, Department Heads
Unbudgeted Domestic	Finance, City Manager or designee
International Travel	Finance, City Manager or designee
Consultant - Per Contract	Finance Director or designee
Consultant - Not Contracted	Finance, City Manager or designee

While Department Heads are authorized to delegate approval of travel to a named designee, nonetheless, the Department Head is ultimately responsible for the appropriateness and accuracy of all travel within the respective department.

All Department Heads are hired with the understanding they hold the necessary discretion and judgment to plan travel and training costs in a prudent and professional manner. Accordingly, a Department Head is authorized to schedule his or her own travel arrangements for any budgeted daily or domestic travel. However, the Report must still be reviewed by Finance prior to travel, and any international and unbudgeted travel must be approved by the City Manager.

The City Manager is hired with the understanding he or she holds the necessary discretion and judgment to plan travel and training costs in a prudent and professional manner. Accordingly, the City Manager is authorized to schedule his or her own travel arrangements for any budgeted travel. Unbudgeted travel must first obtain budgeted financing to support the expense.

The Mayor and each Council member provided an annual expense allowance during the budget process for the reimbursement of expenses actually and necessarily incurred by the Mayor and Council members in carrying out their duties as elected officials of the City. The Mayor and Council members may utilize this appropriation for travel and training in a manner they determine to be justified. When reasonably possible, the City Clerk, in coordination with Finance, should be used to arrange travel arrangements for the Mayor and all Council Members. Any Council member, to include the Mayor, shall not incur travel expenditures unless an appropriation is available, or a budget amendment has been completed.

#### B. Department Responsibilities

The Department Head or designee shall have the responsibility to review all travel requests and ensure their compliance with policy and procedures. The Department Head or designee will coordinate all travel that requires only mileage reimbursement up to 100 miles.

The Department Head or designee shall be responsible for arranging travel plans, including Daily Travel that has conference or seminar registration, rental car or airfare, in accordance with policy and procedure. All airfare and other travel reservations will be included on the Report and sent to Finance, unless otherwise approved by the City Manager or designee. Finance may provide options for lodging, airfare, and other expenses if deemed cost-effective.

The Department Head, as early as during the procurement process, must ensure Business Clients understand and agree to abide by the City's Travel Policy. Billing rates and methods not outlined in the Policy will not be paid by the City without written authorization from the City Manager.

#### C. Finance Department Responsibilities

Finance will review and sign off on all Reports prior to the start of Travel. Such review will include a determination of the reasonableness include the Most Advantageous Method of Travel. Upon return from Travel, Finance will obtain receipts from the Department to validate the travel costs and true-up any amounts due the Traveler or the City. Any expenses not previously included on the Report must be approved prior to reimbursement to the Traveler.

Use of Internet. In accordance with the City Employee Handbook, use of the Internet to arrange for City travel is acceptable. Airline reservations can be made by Department Heads and/or Finance using the Internet, by either accessing a travel agent's website or other travel websites. Authorized Travelers may use the Internet to research fares and other travel expenses for official City trip planning purposes.

## V. Special Conditions of Travel

### A. Authorized Travelers Other Than Council Members or Employees

The Finance Director or designee may approve budgeted travel by Business Clients who are serving as consultants or advisors when such travel is on behalf of the City (excluding those consultants and advisors whose contract specifies the terms of travel). Travel expense provisions may be made within the consulting agreement and approved as part of the agreement, subject to the maximum limits for reimbursement provided for in this policy. If no provision is reflected in the agreement, complete justification must be submitted prior to approval. Travel expenses for authorized persons shall adhere to the same rates and guidelines as those for employees and other travelers unless otherwise approved by the City Manager.

### B. Travel and/or Entertainment of City Stakeholders

Actual and reasonable travel and entertainment expenses incurred by Council members or employees on behalf of a Business Client or authorized guest shall be paid directly to third party vendors when practical. The Finance Director or designee may authorize consultants to incur similar [budgeted] expenses. When not practical, reimbursement will be to the person incurring the expense (including Business Client or guest), provided receipts authorizing disbursement of City funds pursuant to this policy are obtained. Receipts must be machine validated cash register or credit card receipts. Meal receipts must be itemized with each meal item listed. Stubs from guest checks are not acceptable. The City Manager or designee may waive (under special circumstances) any requirement for the disclosure of names of Business Clients or guests. In this event, the payment voucher shall contain a statement noting the special circumstances justifying the waiver. Reimbursement for alcoholic beverages is not allowed unless expressly approved in writing by the City Manager.

### C. Joint Travel Missions

On occasion, the City may enter into a joint travel mission that may be for business, economic, or tourist development reasons with other organizations including, but not limited to, the County, Convention and Visitors Bureau, Chamber of Commerce, or CID's. When these joint ventures are undertaken, the City will pay travel costs based upon the invoice submitted by the host agency which is intended to distribute costs equitably (unless previously arranged) among all agencies involved. Finance will perform procedures to determine that the amounts charged to the City are financially comparable to amounts which would be charged if the City were arranging the trip. Any meals, lodging or incidental expenses not included in the invoice will be reimbursed in accordance with the standard guidelines found elsewhere within these policies. All such travel shall be authorized in advance by the City Manager or designee.

### D. Travel for Employment Interviews

Travel and transportation expenses of the City's employment applicants may be reimbursed in accordance with this policy at the City Manager's discretion. To the extent possible, all travel arrangements and lodging will be made by Finance or by Human Resources upon approval by the Finance Director.

#### **E. Honorarium Travel**

Travel in connection with Honorarium events may have related costs waived or paid by a sponsoring organization, if written acknowledgement is provided.

#### **F. Complimentary Upgrades**

- Authorized Travelers will not accept a Complimentary Upgrade of seating on any flight not routinely offered to non-governmental travelers. Any Complimentary Upgrade should be reported to the City Manager as soon as feasible.
- If an Authorized Traveler is deemed to have accepted a Complimentary Upgrade, the Authorized Traveler will pay to the airline the lowest calculated difference between the class of travel purchased and the upgraded class.
- The following are not considered Complimentary Upgrades:
- Use of frequent flyer miles or other upgrade benefits to obtain a higher class of airfare.
- Use of system upgrades.
- Compensation paid to a passenger who qualifies as Denied Boarding Customer (DBC).
- Standby Seats assigned by the airline, regardless of seat assignment.
- Airline requests the Authorized Traveler to change seat/class due to the flight being oversold.

#### **G. Most Advantageous Method**

Authorized Travelers are required to use the Most Advantageous Method of Travel available to the City. Finance may reserve refundable or nonrefundable airfares as deemed appropriate under the circumstances. If an Authorized Traveler departs early or returns late to take advantage of reduced airfares, lodging and meals will be reimbursed in accordance with this Policy, provided that a net savings to the City is realized and such savings are documented in advance, or as soon as reasonably possible, with the Travel Authorization & Expense Report.

#### **H. Physically Disabled, Sick or Injured Travelers**

Any traveler who is on authorized travel and becomes sick or injured to the extent they can no longer perform the City's business may be eligible to continue receiving meal allowances and other reasonable expenses during incapacitation. This eligibility may extend until such time as the Authorized Traveler is able to continue to perform the City's business or return to official headquarters, whichever is earlier.

In order to qualify, the traveler must notify the Department Head, City Manager or designee as soon as possible, but not later than 72 hours after incurring the illness or injury, and receive authorization for continued reimbursement. Notwithstanding any provision contained herein to the contrary, the City may reimburse or pay travel expenses incurred by the physically disabled traveler, which are in excess of the travel expenses ordinarily authorized, provided such excess travel expenses are reasonable and necessary under the circumstances for the safe travel of the physically disabled individual. Any and all reasonable and necessary expenses being claimed by the traveler must be accompanied by sufficient documentation to justify the expense(s). The Traveler recognizes the City authorizes Travel for official City business. When expenses are incurred but the City business is not conducted due to illness or other cause(s), The City Manager, in their sole discretion, shall determine what expenses are reimbursable to the Traveler due to illness.

#### **I. Emergency Travel**

The City Manager or designee may authorize travel for any employee, Council member, or other traveler pursuant to Emergency Notice. The requirements of this policy may be waived at the discretion of the City

Manager or designee whenever travel is pursuant to Emergency Notice. Travel expense reports shall be submitted upon completion of travel in accordance with this policy.

## VI. Rates of Payment

### A. Election of Reimbursement Method

A consistent method of reimbursements for meals and/or lodging shall be elected for each travel request, as follows:

For domestic travel, a traveler may elect to receive either:

1. Reimbursement of actual expenses (inclusive of meals and lodging) up to a maximum of the Standard Meal Allowance referenced below or,
2. PREFERRED: A Standard Meal Allowance typically published by GSA (CONUS rates) plus lodging and incidentals (with receipts for lodging and applicable incidentals).

For international travel, a traveler may elect to receive either:

1. Reimbursement of meals and incidentals based on actual receipts, not to exceed 150% of published amounts, plus reimbursement for lodging based on actual receipts not to exceed 150% of published amounts.
2. Per Diem allowance for meals and incidentals as published in the "Standardized Regulations-Government Civilians, Foreign Areas" not to exceed 100% of published amounts (no receipts required), plus reimbursement for lodging based on actual receipts not to exceed 150% of published amounts.

### B. Lodging

A traveler may be reimbursed for the actual cost of a single occupancy hotel room for travel that requires overnight absence more than 50 road miles from Official Headquarters. The Department Head and Finance will consider, in the following order of importance, the traveler's safety, the convenience of the hotel location for the traveler's business, and the rate guidelines as outlined in the paragraph below, when making hotel reservations. Lodging expenses must be substantiated by a receipt or the GSA per diem rate will be applied.

1. Domestic Lodging Rates. Reimbursement or payment for domestic lodging is limited to the group rate, if available. If a group rate is not available, lodging expenses are limited to reasonable amounts for the area traveled. Primary responsibility for the reasonableness of amounts charged rests with the approving authority.
2. International Lodging Rates. International lodging expenses are limited to reasonable amounts, not to exceed 150% of the amount published in the Standardized Regulations for the area traveled at the time of travel, or the conference rate. Expenses will be reviewed by the approving authority as indicated herein for reasonableness.
3. In-State Lodging -- Tax Exemption. When reserving lodging within the State of Georgia, a City credit card payment, an advance check, or other established procedure shall be used to ensure exemption from Georgia lodging and sales tax. Finance or its authorized

representative will make the appropriate arrangements with the lodging facility and Finance when necessary.

4. Non-reimbursable Expenses. Additional amounts charged to the room, including but not limited to movies or alcoholic beverages, will not be reimbursed. Because of the premium rates often associated with room service, meals, snacks and non-alcoholic beverages from mini bars can be reimbursed only if included in the Per Diem reimbursement.

### C. Travel Meals

In order to comply with the IRS regulations, two meal allowance standards are permitted. The traveler must elect one of the two methods, receipted or unreceipted, and apply that method consistently throughout his or her travel. The unreceipted meals allow the traveler to be reimbursed up to a standardized amount without a need to submit receipts for meals. This method is preferred. Receipted meals allow the traveler to be reimbursed up to a specified amount, but the receipt must reflect the amount spent on the meal. The receipt must be a machine validated cash register or credit card receipt. Stubs from guest checks are not acceptable. The receipt must be itemized and include all purchases.

For the purposes of determining meal allowances, the Travel Day shall begin two hours before departure on domestic flights and three hours before departure on International flights. Travel involving ground transportation shall commence at point and time of departure. The following are the authorized meal allowances, generally inclusive of any and all gratuities. Exceptional gratuities must be documented in writing and approved by the approving authority.

#### 1. Domestic Meals

Domestic unreceipted meals will be calculated at the maximum amount for cities as listed in the current CONUS guide.

Receipted meals will be reimbursed at actual amounts not to exceed the CONUS amount.

#### Allocation of Meal Reimbursement

All meal reimbursements will be allocated as provided for by GSA except that partial days will be calculated for the meal allowances during travel time and not the 75% rule in GSA.

#### 2. International Meals

International Meals will be reimbursed in accordance with the Standardized Regulations, either at: (1) the Per Diem amounts for meals and incidentals at 100% of the current rate (without need for receipts) or (2) actual receipts not to exceed 150% of the current rate. Either method selected generally shall include any and all meal gratuities, unless documented in writing and approved by the approving authority. (Method for reimbursement shall be consistent for all meals on a trip.) The current rates of international meal allowances shall be available from Finance.

#### D. Allocation of Meal Allowances

When traveling between countries or cities where the meal allowance varies, allowances must be allocated accordingly. An Authorized Traveler will be reimbursed at the allowance rate for the particular country in which the meal is consumed. Any meal expenditure incurred by an Authorized Traveler while with a Business Client or authorized Guest shall be separately reimbursed in accordance with guidelines stated above within the [Travel and/or Entertainment of City Stakeholders](#) provision above. When a meal is reimbursed as an Entertainment Expense, the allocable portion of the daily meal allowance for that meal will not be reimbursed.

#### E. Expenditure Amounts

Limitations on expenditures set forth above are applicable to Authorized Travelers when not accompanied by a Business Client or authorized Guest. When accompanied by a Business Client or Guest, expenditures shall be made in accordance with other provisions of this policy.

#### F. Complimentary Meals

If a complimentary meal is provided or is included in a registration fee paid by the City, it shall be the traveler's option to accept or decline these meals. Continental breakfasts and snacks do not constitute complimentary meals. The Authorized Traveler shall/shall not deduct from the daily per diem for a complimentary meal.

### VII. Travel

#### A. General Requirement

All travel must normally be by the usually traveled direct route or method. If a person travels by an indirect route or any other method for his or her own convenience, any extra costs shall be borne by the traveler and reimbursement, or payment of expenses shall be based only on such charges as would have been incurred by use of the usually traveled route or method. Finance shall recommend the Most Advantageous Method of Travel and the usually traveled direct route for any trip. When the Traveler incurs expenses in a less than Most Advantageous Method of Travel, reimbursement will be limited to the amount of the Most Advantageous Method of Travel unless otherwise approved in advance by the City Manager.

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*EXAMPLE: City Employee is attending a training event in Orlando and wishes to take family members on the trip. The Department Head and Finance determines air travel is the Most Advantageous Method of Travel with an airfare of \$250 plus \$200 for a rental car. The Traveler may elect, with City Manager approval, to take their personal vehicle for \$450 reimbursement.*

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#### B. Commercial Air Travel

Commercial air travel will be by the most economical class for an assigned seat and documented as such by the Department Head and Finance on the Report. First class or business rates may be authorized by the City Manager, (1) if a statement from the Common Carrier or Finance or its authorized representative is included with the travel request stating that tourist, coach, or economy class (or business class for international travel) is not available for the date and time the travel is requested, (2) for medical reasons, if substantiated in writing by

a physician, (3) for any segment scheduled to exceed three (3) hours, or (4) when deemed Most Advantageous by the City Manager.

1. International Airfare. The approving authority or designee may authorize a traveler to use an airline's business class in the following circumstances:
  - a. for international travel if any segment of the flight exceeds six (6) hours of travel.
  - b. if the flight has multiple segments, business class may be authorized when the entire flight from point of origin to point of destination (including any domestic segments of the trip) exceeds eight (8) hours.
  - c. For purposes of this paragraph, the term "business class" shall mean a class of travel for which the fare is greater than tourist or coach but which is less than first class.
2. Private Aircraft. The City Manager may authorize the use of private aircraft. Reimbursement for use of private aircraft shall not exceed the Most Advantageous cost determined by Finance plus 25%.

#### C. Unused Ticket

All unused portions of airline tickets for which the fare is paid or reimbursed by the City shall be forwarded to Finance by the traveler. A statement must be attached explaining why the portion of the ticket was not used.

#### D. Receipts

All travel expense reports with airfare must be accompanied by the ticket receipt or equivalent documentation provided by the airline.

#### E. Personal Travel

Personal side trips combined with business trips are allowed. Side trips must be taken on one's own time and at no additional expense to the City. Any additional expense over the ticketed cost as determined by this policy for the business portion of the trip is the responsibility of the traveler. Personal airfare must be reimbursed to the City in advance of the travel, if known. An Authorized Traveler who alters travel plans for personal reasons must pay any additional cost of transportation directly to the commercial carrier at the time of purchase and will not charge such additional cost to the City nor request reimbursement of such additional cost.

#### F. Car Rentals

1. Authorization. Use of a rental car must be included on the Travel Authorization & Expense Report and deemed to be more advantageous than alternative forms of ground transportation. Georgia DOAS "[Car Rental Cost Comparison](#)" can be used to support the most advantageous method. Rental cars must be approved in advance. If a City vehicle is available, it should be used in lieu of a personal vehicle or rental car.
2. State Contract. Whenever available, approved vehicles shall be rented in accordance with the full size vehicle listed on the annual contract for rental cars competitively bid by the State of Georgia. An explanation for use of rental cars obtained from a source other than the State contract vendor must be justified in writing in advance. Use of a

rental vehicle larger than a full size, which is required to transport business clients or materials, must be included in the Travel Authorization & Expense Report and approved by the City Manager in advance.

3. Insurance. Insurance is required when renting a car for business travel. Employees should normally decline additional insurance coverage offered by rental car companies since the City's insurance coverage covers car rentals. Normally, the State Contract for rental cars includes this coverage in the rental rate for Authorized Travelers. Finance will inform the traveler if this insurance must be purchased separately at the time of travel.

#### G. Privately Owned Vehicles

The approving authority may authorize the use of a privately-owned vehicle for travel on behalf of the City in lieu of City-owned or rented vehicles or Common Carriers.

An Authorized Traveler who requests and is approved the use of a privately-owned vehicle shall be entitled to a mileage allowance at the rate set forth elsewhere in the policy or the air carrier fare for such travel, whichever is less.

All travel which is subject to a mileage allowance shall be shown from point of origin or the traveler's Official Headquarters, whichever is less, to point of destination and return, and if possible, shall be computed on the basis of the current map of the Department of Transportation (Use of common online sources such as Google or Mapquest are deemed current). Actual vicinity mileage necessary for the conduct of City business is allowable but must be shown as a separate item on the Report.

No reimbursement other than a mileage allowance shall be allowed for expenditures related to the operation, maintenance or ownership of a privately-owned vehicle, except as provided above and in the Incidental Expenses Section.

1. Auto Allowance. The City Manager or designee may grant reasonable monthly allowances in fixed amounts for use of privately-owned vehicles on City business instead of the mileage allowances provided for herein. Such allowances shall be established by taking into account the customary use of the vehicle, the roads customarily traveled and whether any of the expenses incidental to the operation, maintenance or ownership of the vehicle is paid from public funds. Such allowance may be changed at any time, and shall be made on the basis of a statement signed by the traveler and filed before the allowance is granted or changed, and at least annually thereafter.
2. Mileage Allowance. The mileage allowance for Authorized Travelers shall be in accordance with Section 162 of the Internal Revenue Code (Regulation 1.162-2(f)) as such regulation or replacement regulation may be amended, except for calculating mileage allowance from point of origin as referenced above.

#### H. Chartered Transportation

The City Manager may authorize in advance travel by chartered vehicle or carrier when necessary or where it is to the City's advantage, provided the cost of such transportation does not exceed the cost of transportation by privately-owned vehicles or Common Carrier.

#### I. Gratuitous Transportation

No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another, or when transported by another traveler who is entitled to mileage or transportation expense.

### VIII. Incidental Expenses

Receipts are required, when available, for the following incidental travel expenses when specific reimbursement is requested.

- Convention, seminar, and conference registration fees. Additionally, a traveler may be reimbursed for the actual and reasonable fees for attending events which are not included in a basic registration fee that directly enhance the public purpose of the City's participation at the conference or convention, including, but not limited to, banquets and other meal functions. It shall be the traveler's responsibility, however, to substantiate that such charges are proper and necessary.
- Reasonable tips and gratuities, not to exceed 20% of the underlying expense. Gratuities for meal allowances shall not be separately reimbursed, unless approved as noted in Travel Meals.
- Actual passport and visa fees required for authorized travel when the traveler does not already have the required documents.
- Actual and necessary fees charged to purchase traveler's cheques for authorized travel expenses.
- Actual fees charged for exchange of currency necessary to pay authorized travel expenses.
- Actual fees for immunizations required or recommended for authorized travel.
- Actual cost of maps necessary for conducting official business.
- Taxi, train, or shuttle bus fare.
- Storage or parking fees.
- Gasoline when using a rental car.
- Tolls.
- Internet access charges. (Note: Internet access charges on flights are only approved when the scheduled flight time is in excess of three (3) hours or when approved by the approving authority prior to departure.)
- Communication expense incurred in the conduct of City business. Any travel expense report requesting payment of or claiming reimbursement for communication expense charged to a hotel bill or credit card must state the points and parties contacted and the reason for such communications. Council members shall be reimbursed for reasonable communication expenses related to their individual business while traveling on behalf of the City if so documented. Authorized travelers will not be reimbursed for personal phone calls except for one "safe arrival" call within 24 hours of arrival to the destination.
- Laundry and Pressing. When authorized travel extends beyond five (5) days, the traveler may be reimbursed for laundry, dry cleaning, and pressing costs when substantiated by receipts.
- In countries where a language barrier may exist, reimbursement for expenses such as taxi fare, currency exchange fees, or tolls may be made without receipts provided that a statement is attached to the travel report and detailing non-receipted expenses.

## IX. Travel Advances

Credit is automatically extended to Council Members and Employees for travel arrangements. Council Members and Employees (other than those members/employees possessing City authorized credit cards), who have been authorized to travel may, when necessary, draw an advance of not less than \$25 nor more than the amount of estimated expenses for travel, less amounts prepaid by the City, by completing and submitting the Travel Authorization & Expense Report no less than ten (10) working days before said travel. The amount of advance is subject to the approval of the approving authority.

If one or more Reports are outstanding, no additional travel advances will be issued. For any advance that is outstanding for more than 30 days, and is directly attributable to the traveler's failure to properly file the report in a timely fashion, payroll deduction will automatically be made. Finance is not obligated to provide advance notification for any deduction for any Traveler who fails to provide their Reports as required by this policy.

## X. Receipts

While receipts in the prescribed form are required for most payments or reimbursements pursuant to this policy, it is recognized that unexpected circumstances may arise such as language barriers, loss of receipts, or unavailability of receipts, which require an alternative procedure for documentation of reimbursable expenses. In those isolated situations where receipts are not available, a statement must be prepared by the Traveler and included in the Travel Authorization & Expense Report. Such certification may then be presented instead of the unavailable or lost receipt.

## XI. Reporting

### A. Domestic Travel

An employee must submit a completed Travel Authorization & Expense Report to the Finance Department with required documentation no later than ten (10) working days after the travel period has ended.

### B. International Travel

An employee must submit a completed Travel Authorization & Expense Report with required documentation to the Finance Department no later than the earlier of twenty (20) working days after the travel period has ended or upon receipt of the credit card statement verifying the international currency exchange rates. A copy of the applicable credit card statement, or appropriate receipts, must be submitted with the Travel Authorization & Expense Report.

### C. Reporting Requirements

The following shall be included in completed Travel Authorization & Expense Reports:

1. **Trip Benefits.** Trip benefits shall be stated on the Travel Authorization & Expense Report indicating significant benefits realized by the traveler as a result of the trip for all travel other than local travel.
2. **Program Agenda.** If not available upon completion of travel, include a statement to that effect on the Travel Authorization & Expense Report. Certificates of completion will be accepted in lieu of an agenda.

3. Significant Deviations from Estimated Expenses. Significant deviation from estimated expenses (i.e., more than the lesser of 20% or \$250) shall be explained in the Travel Authorization & Expense Report approved by the approving authority.

**D. Routing of Completed Travel Authorization & Expense Reports**

Completed Travel Authorization & Expense Reports will be reviewed for compliance with this policy by the Finance Department. Audit procedures will be performed by the Finance Director or designee with assistance from external auditors as required.

**E. Funds Due City**

Any funds advanced in excess of the travel expenses incurred and allowed should be reimbursed to the City's Finance Department and a cash receipt form obtained no later than twenty (20) working days for Domestic travel, and thirty (30) working days for International travel, after the travel period has ended. A copy of the cash receipt must be attached to the Travel Authorization & Expense Report.

**F. Funds Due Traveler**

Travel Authorization & Expense Reports showing an amount due to or on behalf of an Authorized Traveler will be processed for payment in accordance with standard payment procedures. Payment of undisputed items will be processed for payment within two (2) payment cycles.

**G. Canceled Trips**

Canceled travel requests shall be documented as such and routed through Finance to the City Manager. The traveler, within ten (10) working days shall be responsible for requesting refunds for any registration fees or other payments which were expended prior to the required cancellation. The City Manager will determine in their sole discretion any reimbursements payable to the Traveler due to a canceled trip.



## Appendix B

### *Drug-Free Workplace Policy*



#### **A. Drug-Free Workplace Policy - Generally**

This policy provides regulations concerning the use and misuses of controlled substances and alcohol by City employees. Each employee shall acknowledge receipt of this entire document and all of its contents, including this drug and alcohol policy, by his/her signature on the Certificate of Receipt, the original of which the City will maintain as part of the employee's permanent record.

This policy applies to all City employees, except for those employees subject to sections for Commercial Drivers, Police Officers and Safety Sensitive Positions.

Federal Rules and Regulations promulgated by the Secretary of Transportation, applies to all City employees who are required to have a commercial driver's license because of the job functions they perform.

US Supreme Court decisions and decisions of the United States Court of Appeals for the Eleventh Circuit, applies to all City employees who carry guns or are directly involved in drug interdiction as a requirement of the job they perform.

US Supreme Court decisions and decisions of the United States Court of Appeals for the Eleventh Circuit, applies to all City employees who are employed in safety-sensitive positions.

Collection and testing procedures, and applies to all employees tested for drug use or alcohol abuse, under this policy. All procedures governing employees can be found in the Code of Federal Regulations as promulgated by the Secretary of Transportation.

It is the City's mission to provide a safe and productive work environment for all employees. In furtherance of this, the City is committed to maintaining an alcohol and drug free work place. Substance abuse cannot and will not be condoned. All employees are prohibited from using illegal or unauthorized controlled substance or alcohol while on the job, and are also prohibited from reporting to work or working while under the influence of alcohol or a an illegal or unauthorized controlled substance. To determine if alcohol is present in an employee's system, a breath test may be conducted pursuant to this policy. To determine if there are controlled substances in an employee's system, a urine test may be conducted pursuant to this policy.

The City's drug policy and Testing Procedures, apply to all employees. The policy applies to all City employees except those employees who are subject to Specific Sections related to Commercial Drivers, Police Officers and Safety Sensitive Positions.

#### **B. Prohibited Conduct**

In addition to the specific prohibitions in Sections I, II, and III of this policy, no employee shall possess, distribute, purchase, or sell alcohol or controlled substances during work time, while on City property, in City-owned vehicles or other vehicles being used for City business, or while wearing City uniforms or other paraphernalia that identifies that employee as a City worker.

#### **C. Discipline**

Violation of *any* provision of this policy can result in disciplinary action up to and including immediate termination.

#### **D. Definitions**

**Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight beverages, including methyl or isopropyl alcohol.

**Alcohol concentration** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this policy.

**Alcohol use** – The consumption of any beverage, liquid mixture or preparation(including any medication), containing alcohol.

**Aliquot** – A portion of a specimen used for testing.

**Breath Alcohol Technician (BAT)** – An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing device (EBT).

**Canceled or invalid test** – A cancelled test is a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. An invalid test is a result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

**Chain of custody** – The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

**Collection container** – A container into which an employee urinates to provide the urine sample used for a drug test.

**Collection site** – A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

**Collector** – A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF.

**Commercial motor vehicle** – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unity with a gross vehicle weight rating of more than 10,000 pounds; or,
2. Has a gross vehicle weight rating of 26,001 or more pounds; or,
3. Is designated to transport 16 or more passengers, including the driver; or,
4. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act, and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F)

**Confirmation test for alcohol testing** – A second test, following a screening test with a result of 0.02 (or 0.05 for Section II) or greater, that provides quantitative data of alcohol concentration. For controlled substances, confirmation testing means a second analytical procedure to identify the presence of a specified drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

**Controlled substance** – a drug, substance, or immediate precursor in schedules I through V of the O.C.G.A. §§16-13-25 through 16-13-29 and schedules I through V of 21 C.F.R. Part 1308, as either may be amended. For purposes of this policy, the term “controlled substance” shall include marijuana as defined by paragraph (16) of O.C.G.A. § 16-13-21.

**Disabling damage** – Damage that precludes departure of motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs.

Inclusions – Damage to motor vehicles that could have been driven, but would have been further damaged if so driven

Exclusions – Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare

**Driver** – Any person who operates a commercial vehicle. This includes, but is not limited to full time, regularly employed drivers; causal, intermittent or occasional drivers, leased drivers, and independent, owner/operator contractors who are neither directly employed by or under lease to the City or who operates a commercial motor vehicle at the direction of or with the consent of the City. For the purpose of pre-employment/pre-duty testing only, the term “driver” includes a person applying to the City to drive a commercial motor vehicle.

**Employer** – The City of Powder Springs (the City). The term “employer” includes an employer’s agents, officers, and representatives.

**Medical Review Officer (MRO)** – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

**Performing (safety sensitive function)** – An employee is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

**Reasonable Suspicion** – Concern or report that is based on specific objective facts and rational inferences that may be drawn from those facts in light of experience. See Section III(B)(3).

**Refuse to submit** – An employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after she or he has received notice of the requirement for urine testing in accordance with the provisions of this policy; or, (3) engages in conduct or behavior that clearly obstructs the testing process.

**Safety-sensitive function** – any of those on duty functions set forth in 49 CFR 382.107 definitions, including all time spent at the driving controls of a commercial motor vehicle.

**Safety – sensitive position** – all employees whose job function or position makes him/her responsible for his/her own safety or other people’s safety, and for whom their job functions requires them to have a clear mind and be diligent while carrying out their job duties.

**Screening Test (or initial test)** – In drug testing, an immunoassay screen to eliminate “negative” urine specimens from further analysis. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

**Substance Abuse** – Includes the use by any employee of any substance, legal or illegal, controlled or not controlled, narcotic, drug, or alcohol that causes the employee’s job performance or general physical or mental health to decline, be impaired or which may render the employee incapable of performing assigned duties.

**Substance Abuse Professional (SAP)** – A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

## *City Employees*

This section applies to all City employees, except those employees subject to Specific Sections for Commercial Drivers, Police Officers and Safety Sensitive Positions.

### **Prohibitions for City Employees**

City employees are prohibited from using controlled substances or alcohol while on the job or on City property. City employees are also prohibited from reporting for work or working under the influence of alcohol or reporting for work, or working with controlled substances in their system. For the purpose of this policy, employees with an alcohol concentration of 0.08 grams per liter or more will be presumed to be under the influence of alcohol and in violation of this policy. Employees with alcohol concentration in excess of 0.05 grams per liter, but less than 0.08 grams per liter, will not be presumed to be under the influence, but such an alcohol concentration may be considered with other conduct of the employee in determining whether the employee is under the influence of alcohol and in violation of this policy.

This policy does not prohibit the proper use of over the counter medicine or medication prescribed for you by your physician. However, the misuse of prescription or over the counter medication is prohibited.

Possession, distribution, purchase, or sale of alcohol or controlled substances during working time, while on City property, in City-owned vehicles or other vehicles being used for City business, or while in wearing a City uniform or other paraphernalia that identifies that employee as a City worker, is prohibited.

Violation of any aspect of the City’s drug free work place policy, including the failure to cooperate in investigations, may result in discipline, up to and including immediate termination.

### **Tests Required for City Employees**

#### **Reasonable Suspicion**

1. The City shall require an employee to submit to an alcohol or controlled substances test when there is reasonable suspicion to believe the employee has violated any of the prohibitions listed in this policy concerning alcohol or controlled substances. The City’s determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable, observations concerning the appearance, behavior, speech, or body odors of the driver. Reasonable suspicion to require a controlled substances test may also include observations or indications of the known chronic and withdrawal effects of controlled substances. The required observations must be made by a supervisor or other official who is

trained in accordance with the Federal Rules (49 CFR 382.603). The person who makes the determination that reasonable suspicion exists shall not conduct the alcohol or controlled substance test.

2. Alcohol testing is authorized only if the observations are made during, just before, or just after the period of the work day
3. A reasonable suspicion controlled substance test may be administered at any time while an employee is on duty. A written record shall be made of the observations leading to a reasonable suspicion controlled substances test and signed by the supervisor who made the observations.
4. Following the determination that reasonable suspicion exists, the employee shall be transported to the collection site by the employee's supervisor or the supervisor's designee. Following the collection procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.
5. Any employee tested under this provision may be suspended with pay for up to three days pending the results of the test. Any disciplinary action taken by the City is not stayed pending the result of the retest of the original specimen if requested.

### **Return to Duty**

If the employee is allowed to return to work after engaging in conduct prohibited by this Section, the employee shall undergo a return-to-duty alcohol or drug test, depending on the violation. In order to return to duty, the result of the return-to-duty alcohol or drug test must indicate an alcohol concentration of less than 0.02 grams per liter or a verified negative result for controlled substances, depending upon the test taken.

### **Follow Up**

Employees who are allowed to return to work after testing positive for controlled substances or violating the alcohol provisions of this policy may be placed on probation and be subject to unannounced follow up alcohol or controlled substances testing. This testing shall be directed by the City Manager. The City Manager shall determine the dates of the probationary tests, and shall inform the employee when to report for testing. The employee may be tested no more than twice per month during the probationary period. The probationary period shall last no more than one year.

## ***Commercial Drivers***

This section applies to all employees who are required to have a commercial driver's license because of the job functions they perform.

### **Prohibitions for Commercial Drivers**

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 grams per liter or more. No employee shall use or possess alcohol while performing safety-sensitive functions. No employee shall perform any safety-sensitive functions within four hours after using alcohol.
2. Use following an accident – no employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
3. Controlled substance use – No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having when the employee uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate safely a

commercial motor vehicle or perform safety-sensitive functions. In such case, the employee must inform his/her department head or immediate supervisor of any therapeutic drug use.

4. Refusal to submit to a required alcohol or controlled substance test – No driver may refuse to submit to a required test. The City will not permit a driver who refuses to submit to a required test to perform or continue to perform safety-sensitive functions.
5. Violation – Any violation of any of the above listed prohibitions can result in discipline, including termination of the employee.

### Tests Required for Commercial Drivers

1. **Pre-employment testing** – Prior to the first time an applicant performs safety-sensitive functions for the City, the applicant or employee shall undergo testing for alcohol and controlled substances. The City shall not allow an employee to perform safety-sensitive functions until the employee has been administered an alcohol test and results have been received indicating an alcohol concentration of less than 0.04 and has been administered a controlled substances test and received results indicating a verified negative test result. The City shall not employ a person with a test result showing an alcohol concentration of 0.02 or greater or a positive controlled substances test. Applicants who are denied employment for this reason may reapply for employment after six months from the date of the test and resubmit to the tests.
2. **Post-accident testing** – As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the City shall test for alcohol and controlled substances in each surviving driver:
  - i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life or property or vehicle damage; or,
  - ii. Who receives a citation under state or local law or a moving traffic violation arising from the accident.
  - iii. **Alcohol Tests** – if a test is required by this section is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within 8 hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured persons following an accident or to prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

If a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer the tests and the reason why the test was not conducted shall be recorded.

The results of the breath test for the use of alcohol or urine tests for the use of controlled substances, conducted by the federal, state or local officials having independent authority for the tests, shall be considered to meet the requirements of this section provided such tests conform to applicable federal, state or local requirements, and the results of the test are obtained by the City of Powder Springs.

3. **Random testing** – Pursuant to federal law, the minimum annual percentage rate for random alcohol testing shall be ten percent (10%) of the average number of driver positions. The minimum annual

percentage rate for random controlled substances testing shall be fifty percent (50%) of the average number of driver positions.

The selection of employees for random testing shall be made by a scientifically valid method, so that each employee shall have an equal chance of being tested each time selections are made. The random and controlled substances test will be unannounced and the dates for the test administrations will be spread reasonably throughout the calendar year.

Each employee who is notified of selection for a random test shall proceed immediately to the test site. If the employee is performing a safety-sensitive function other than driving, the City will ensure that the driver ceases performing and proceeds to the testing site as soon as possible. An employee shall only be randomly tested for alcohol while he or she is performing safety-sensitive functions, or just after he or she has ceased safety-sensitive functions. Random substance abuse testing may be performed at any time while the employee is at work. In no event shall the City notify any employee to submit to a test while the employee is off work on extended leave.

4. **Reasonable suspicion testing** – The City shall require an employee to submit to an alcohol or controlled substances test when there is reasonable suspicion to believe the employee has violated any of the prohibitions listed in this policy concerning alcohol or controlled substances. A driver must submit to an alcohol test when the City has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of the Federal Rules concerning alcohol. The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

A driver may be directed by the City to undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

A driver must submit to a controlled substances test when the City has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of Federal Rules concerning controlled substances. The City's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with §382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

Alcohol testing is authorized only if the observations required are made during, just before, or just after the period of the workday where driving or safety-sensitive duties are being performed

Following the determination that reasonable suspicion exists, the employee shall be transported to the collection site by the employee's supervisor, or the supervisor's designee. Following the collection procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.

If an alcohol test required by the Federal Regulations is not administered within two hours following the determination under this section, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination of reasonable suspicion then the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Except as provided in this section, the City shall not take any action under this part against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the City from taking any action otherwise consistent with law.

A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

### **Return to Duty for Commercial Drivers**

1. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until:
  - i. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
  - ii. Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning the use of alcohol.
2. If an employee is allowed to return to duty to perform a safety-sensitive function after engaging in conduct prohibited in this policy, the employee shall undergo a return-to-duty alcohol or drug test, depending upon the violation. The return to duty drug or alcohol test must indicate an alcohol concentration of less than 0.02 and/or a verified negative result for controlled substances.

### **Follow up for Commercial Drivers**

Following the determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, The City shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional in accordance with the Federal Rules.

Follow up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, but before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

The number frequency and type of the follow-up testing shall be as directed by the Substance Abuse Professional, but in any event shall consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty.

The Substance Abuse Professional may terminate the requirement for follow up testing at any time after the first six (6) tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

The requirements of this section with respect to referral, evaluation, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with the result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing requirements of this policy shall be considered on duty time.

### **Employment Action for Commercial Drivers**

1. Employees testing positive for controlled substances or violating the alcohol provisions of this policy can and may be subject to disciplinary action up to and including termination.
2. Any employee who is not terminated following a positive controlled substances test or a violation of the alcohol provisions of this policy shall be placed on probation for one-year following the date of the testing.
3. Failure to appear at the designated collection site when directed or failure to take the test shall subject the employee to the same sanctions as if the tests had been positive.

### **Drugs Tested For Commercial Drivers**

1. Every urine specimen shall be tested for marijuana, cocaine, opiates (morphine, codeine), phencyclidine, and amphetamines.
2. Alcohol shall be tested for by used Evidential Breath Testing devices (EBT)

The requirements of this section with respect to referral, evaluation, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with the result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing requirements of this policy shall be considered on duty time.

### **Handling of records for Commercial Drivers**

The City shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in the Federal Rules (49 CFR §382.401). The records shall be contained in a secure location with controlled access.

The following records shall be retained for five (5) years:

1. Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
2. Records of driver verified positive controlled substances test results,
3. Documentation of refusals to take required alcohol and/or controlled substances tests,
4. Driver evaluation and referrals,
5. Calibration documentation,
6. Records related to the administration of the alcohol and controlled substances testing programs,
7. A copy of each annual calendar year summary required by §382.403.

The following records shall be retained for two (2) years:

Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

The following records shall be retained for one (1) year:

Records of negative and canceled controlled substances test results (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

The following records shall be retained indefinitely:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the City while the individual performs the functions that require the training, and for two years after ceasing to perform those functions.

### **Reporting of Results in a Management Information System for Commercial Drivers**

1. The City shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year, when requested by the Secretary of Transportation, any D.O.T. agency, or any State or local officials with regulatory authority.
2. If the City is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report the City's annual calendar year summary information, the City shall prepare and submit the report to the FMCSA by March 15 of that year. The City shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. The City will use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at § 40.26 and appendix H to part 40). The City may also use the electronic version of the MIS form provided by the D.O.T. The Administrator may designate means (e.g., electronic program transmitted via the Internet), other than hard-copy, for MIS form submission. For information on the electronic version of the form, see <http://www.fmcsa.dot.gov/safetyprogs/drugs/engtesting.htm>.
3. When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. The City shall ensure the accuracy and timeliness of each report submitted.
4. If the City has a covered employee who performs multi-D.O.T. agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for the City), that employee is counted only on the MIS report for the D.O.T. agency under which he or she is randomly tested. Normally, this will be the D.O.T. agency under which the employee performs more than 50% of his or her duties. The City will be prepared to explain the testing data for these employees in the event of a D.O.T. agency inspection or audit.
5. The City may engage a service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) to prepare the MIS report on its behalf. However, a The City Manager must certify the accuracy and completeness of the MIS report, no matter who prepares it.

### **Access to Facilities and Records for Commercial Drivers**

Except as required by law or expressly authorized or required in this section, The City shall not release driver information that is contained in records required to be maintained under the Federal Rules.

A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances test. The City shall promptly provide the records requested by the driver.

Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

The Federal Secretary of Transportation, any Federal Department of Transportation agency or state official with regulatory authority over the City of Powder Springs, GA, shall have access to all records.

Records shall be made available to a subsequent employer, upon receipt of a written request from the driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

The City may disclose information required to be maintained under this policy pertaining to a driver, to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substances test from the City's determination that the driver engaged in conduct prohibited by this policy.

### **Employer Notifications for Commercial Drivers**

The City shall notify a driver of the results of the pre-employment controlled substances test conducted under this policy, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application. The City shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The City shall also inform the driver which controlled substances were verified as positive.

The department head or Human Resources Director shall make reasonable efforts to contact and request each driver who submitted a specimen under this policy, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer and shall report to the City Manager that the medical review officer has made all reasonable efforts to contact the driver. The City shall, as soon as practicable, request the driver contact the medical review officer prior to dispatching the driver, or within twenty-four (24) hours, whichever is earlier. The City Manager, or his/her designee, shall immediately advise the Medical Review Officer that the driver has been notified.

### **Inquiries from Previous Employers for Commercial Drivers**

The City shall, pursuant to the driver's written authorization, inquire about the following information from the driver's previous employers, during the preceding two (2) years from the date of application, which are maintained by the driver's previous employers:

1. Alcohol tests with the result of 0.04 alcohol concentration or greater;
2. Verified positive controlled substances test results;
3. Refusals to be tested

If feasible, this information must be obtained and reviewed by the City prior to the first time a driver performs safety-sensitive functions for the City. If not feasible, the information must be obtained and reviewed as soon as possible, but not later than fourteen (14) calendar days after the first time a driver performs safety-sensitive functions for the City. The City may not permit a driver to perform safety-sensitive functions after fourteen (14) days without having made a good-faith effort to obtain the information as soon as possible. If a driver hired or used by the City ceases performing safety-sensitive functions for the City before the expiration of the fourteen day period or before the City has obtained the information the City must still make a good-faith effort to obtain the information.

The City must maintain a written, confidential record of the information obtained. If, after making a good-faith effort, the City is unable to obtain the information from a previous employer, a record must be made of the efforts to obtain the information and maintained in the driver's qualification file.

The City must provide to each of the driver's previous employers the driver's specific, written authorization for the release of the information. The release of any information under this section may take the form of personal interviews, letters, or any other method of transmitting information that ensures confidentiality.

The information may be provided directly to the City by the driver, provided that City assures itself that the information is true and accurate. The City may not use a driver to perform safety-sensitive functions if the City obtains information on the violation of prohibitions of this policy without obtaining information on subsequent compliance with the referral and the rehabilitation requirements of this policy.

### **Consequences for Drivers engaging in prohibited conduct for Commercial Drivers**

1. Any driver violating this policy shall be removed from performing safety sensitive functions and may be disciplined up to and including termination.
2. Any driver who has engaged in conduct prohibited by this policy shall be required to be evaluated by a substance abuse professional and submit to testing. Testing shall include follow-up and/or return-to-duty testing.
3. Each employee who is engaged in conduct prohibited by this policy shall be advised by the City of resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

## ***Police Officers***

Also referred to in this section as "sworn employees" or "officers" are defined as employees who are required to carry a weapon or are directly involved in drug interdiction because of the job functions they perform.

The City of Powder Springs has a clear duty of care to its employees and officers to maintain a safe place of work, and to provide to its residents, business owners and visitors a comprehensive policing service that is free of alcohol and other drug abuse. This policy is intended to inform all officers of the City of Powder Springs Police Department of the expectations in relation to their use of alcohol and other drugs. It is acknowledged that all officers have a right to exercise private judgment in matters relating to their personal lives, however, control over the misuse of alcohol and other drugs is considered essential to the effectiveness of the Powder Springs Police Department, to the safety of its members, and to the community at large. This policy complements the provisions of the Powder Springs Police Department's Code of Conduct and Ethics, and should be read in conjunction with the specific policies and procedures discussed in that document.

The City will prohibit the unlawful manufacture, distribution, dispensation, possession, or consumption of cannabis, controlled substances, or alcohol in the workplace or while performing the duties of a City civilian or sworn employee, unless such possession or consumption is required in the course of his/her official duties or is prescribed by a licensed physician or other practitioner authorized to prescribe medication for an existing, valid medical condition. The City will further ensure that all civilian or sworn employees comply with the provisions of this policy as a condition of employment. Any civilian or sworn employee who violates this policy is:

1. Subject to discipline up to and including termination in accordance with the Disciplinary procedures of the City of Powder Springs;
2. May be subject to criminal prosecution; and,
3. May be required to successfully complete a drug and/or alcohol abuse program sponsored by an approved private or governmental institution.

The City also requires that all civilian and sworn employees comply with the reporting requirements in this policy, as well as with the policies set forth in the City of Powder Springs Police Department Policies and Procedures, any time that they become aware that they are the subject of an investigation, arrest, criminal charge or conviction for a violation of a criminal drug statute.

This remainder of this policy comments on the implications of random, reasonable suspicion and post-accident testing of sworn police officers. However, just as importantly, it provides information on the support services that are available for those officers and their families who experience problems as a result of alcohol and other drug abuse.

### **Prohibitions for Police Officers**

1. No officer shall report for duty or remain on duty while having an alcohol concentration of 0.02 grams per liter or more. No officer shall use or possess alcohol while performing job duties. No officer shall perform any job duties within four hours after using alcohol. This provision may be superseded by authorization from the Chief of Police.
2. Use following an accident – no officer required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
3. Controlled substance use – No officer shall report for duty or remain on duty when the officer uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the officer that the substance does not adversely affect the officer's ability to perform job duties safely. In such case, the officer **must** inform the Chief of Police of any therapeutic drug use.
4. Refusal to submit to a required alcohol or controlled substance test – No officer may refuse to submit to a required test. The City will not permit an officer who refuses to submit to a required test to perform or continue to perform job duties. Refusal to submit to a required test will be treated as insubordination and may result in discipline, up to and including termination of employment.
5. Violation – Any violation of any of the above listed prohibitions can result in discipline, including termination of the officer.

### **Tests Required for Police Officers**

1. **Pre-employment testing** – Prior to the first time an applicant performs job duties for the City, the applicant or officer shall undergo testing for alcohol and controlled substances. The City shall not allow an officer to perform job duties until the officer has been administered an alcohol test and results have been received indicating an alcohol concentration of less than 0.04 and the officer has been administered a controlled substances test and received results indicating a verified negative test result. The City shall not employ a person with a test result showing an alcohol concentration of 0.02 or greater or a positive controlled substances test.
2. **Post-accident testing** – As soon as practicable following an occurrence involving a motor vehicle, the City shall test for alcohol and controlled substances in each surviving motor vehicle operator:
  - a. Who was performing job duties with respect to the vehicle, if the accident involved the loss of human life or property or vehicle damage; or,
  - b. Who receives a citation under state or local law or a moving traffic violation arising from the accident.
  - c. Alcohol Tests – if a test is required by this section is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within 8 hours following the accident, the City shall cease attempts to administer an alcohol

test and shall prepare and maintain the same record of explanation for why the tests were not administered.

An officer who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured persons following an accident or to prohibit an officer from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

If a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer the tests and the reason why the test was not conducted shall be recorded and maintained in the officer's permanent personnel file.

The results of the breath test for the use of alcohol or urine tests for the use of controlled substances, conducted by the federal, state or local officials having independent authority over the City of Powder Springs, GA for the tests, shall be considered to meet the requirements of this section provided such tests conform to applicable federal, state or local requirements, and the results of the test are obtained by the City of Powder Springs.

3. **Random testing** – Pursuant to federal law, the minimum annual percentage rate for random alcohol testing shall be ten percent (10%) of the average number of employee positions. The minimum annual percentage rate for random controlled substances testing shall be fifty percent (50%) of the average number of employee positions.

The selection of officers for random testing shall be made by a scientifically valid method, so that each officer shall have an equal chance of being tested each time selections are made. The random and controlled substances test will be unannounced and the dates for the test administrations will be spread reasonably throughout the calendar year.

Each officer who is notified of selection for a random test shall proceed immediately to the test site. If the officer is performing a safety-sensitive function other than driving, the City will ensure that the officer ceases performing and proceeds to the testing site as soon as possible. An officer shall only be randomly tested for alcohol while he or she is on duty, or just after he or she has ceased job duties. Random substance abuse testing may be performed at any time while the officer is at work. In no event shall the City notify any officer to submit to a test while the officer is off work on extended leave.

4. **Reasonable suspicion testing** – The City shall require an officer to submit to an alcohol or controlled substances test when there is reasonable suspicion to believe the officer has violated any of the prohibitions listed in this policy concerning alcohol or controlled substances. An officer must submit to an alcohol test when the City has reasonable suspicion to believe that the officer has violated the prohibitions of subpart B of the Federal Rules concerning alcohol. The City's determination that reasonable suspicion exists to require the officer to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the officer.

An officer may be directed by the City to undergo reasonable suspicion testing while the officer is performing job duties, just before the officer is to perform job duties, or just after the officer has ceased performing such functions.

An officer must submit to a controlled substances test when the City has reasonable suspicion to believe that the officer has violated the prohibitions of subpart B of Federal Rules concerning controlled substances. The City's determination that reasonable suspicion exists to require the officer to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the officer. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or other official who is trained in accordance with the Federal Rules (49 CFR §382.603). The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the officer.

Alcohol testing is authorized only if the observations required are made during, just before or just after the period of the work day where driving or safety-sensitive duties are being performed

Following the determination that reasonable suspicion exists, the officer shall be transported to the collection site by the officer's supervisor, or the supervisor's designee. Following the collection procedure, the person transporting the officer shall make appropriate arrangements to transport the officer home.

If an alcohol test required by the Federal Regulations is not administered within two hours following the determination under this section, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination of reasonable suspicion then the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Except as provided in this section, the City shall not take any action under this policy against an officer based solely on the officer's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the City from taking any action otherwise consistent with law.

A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or other official who made the observations within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

### **Return to Duty for Police Officers**

1. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no officer shall report for duty or remain on duty requiring the performance of job duties while the officer is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City permit the officer to perform or continue to perform job duties, until:
  - a. An alcohol test is administered and the officer's alcohol concentration measures less than 0.02; or
  - b. Twenty-four (24) hours have lapsed following the determination that there is reasonable suspicion to believe that the officer has violated the prohibitions of this policy concerning the use of alcohol.

2. If an officer is allowed to return to duty to perform a safety-sensitive function after engaging in conduct prohibited in this policy, the officer shall undergo a return-to-duty alcohol or controlled substances test, depending upon the violation. The return to duty controlled substances or alcohol test must indicate an alcohol concentration of less than 0.02 and/or a verified negative result for controlled substances.

### **Follow up for Police Officers**

Following the determination that an officer is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, The City shall ensure that the officer is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional in accordance with the Federal Rules.

Follow up alcohol testing shall be conducted only when the officer is performing job duties, before the officer is to perform job duties, or just after the officer has ceased performing job duties.

The number, frequency, and type of the follow-up testing shall be as directed by the Substance Abuse Professional, but in any event shall consist of at least six (6) tests in the first twelve (12) months following the officer's return to duty. Follow-up testing shall not exceed 60 months from the date of the officer's return to duty. The Chief or Police shall determine the dates of the probationary tests, and shall inform the officer when to report for testing. The Chief of Police shall keep the City Manager informed of any adverse test results during the officer's probationary period, which shall not be less than twelve (12) months, but shall not exceed sixty (60 months) from the date of the officer's return to duty.

The Substance Abuse Professional may terminate the requirement for follow up testing at any time after the first six (6) tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

The requirements of this section with respect to referral, evaluation, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with the result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing requirements of this policy shall be considered on duty time.

### **Employment Action for Police Officers**

1. Officers testing positive for controlled substances or violating the alcohol provisions of this policy can and may be subject to disciplinary action up to and including termination.
2. Any officer who is not terminated following a positive controlled substances test or a violation of the alcohol provisions of this policy shall be placed on probation for no less than twelve (12) months, and no more than sixty (60) months following the date of the testing.
3. Failure to appear at the designated collection site when directed, or failure to take the test shall subject the officer to the same sanctions as if the tests had been positive.

### **Drugs Tested For Police Officers**

1. Every urine specimen shall be tested for marijuana, cocaine, opiates (morphine, codeine), phencyclidine, and amphetamines.
2. Alcohol shall be tested for by used evidential breath testing devices (EBT)

The requirements of this section with respect to referral, evaluation, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with the result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing requirements of this policy shall be considered on duty time.

### **Handling of records for Police Officers**

The City shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in the Federal Rules (49 CFR §382.401). The records shall be contained in a secure location with controlled access.

The following records shall be retained for five (5) years:

1. Records of officer alcohol test results indicating an alcohol concentration of 0.02 or greater,
2. Records of officer verified positive controlled substances test results,
3. Documentation of refusals to take required alcohol and/or controlled substances tests,
4. Officer evaluation and referrals,
5. Calibration documentation,
6. Records related to the administration of the alcohol and controlled substances testing programs,
7. A copy of each annual calendar year summary required by §382.403.

The following records shall be retained for two (2) years:

Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

The following records shall be retained for one (1) year:

Records of negative and canceled controlled substances test results (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

The following records shall be retained indefinitely:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and officers shall be maintained by the City while the individual performs the functions that require the training and for two years after ceasing to perform those functions.

### **Reporting of Results in a Management Information System for Police Officers**

1. The City shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any D.O.T. agency, or any State or local officials with regulatory authority
2. If the City is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report the City's annual calendar year summary information, the City shall prepare and submit the report to the FMCSA by March 15 of that year. The City shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. The City will use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at § 40.26 and appendix H to part 40). The City may also use the electronic version of the MIS form provided by the D.O.T. The Administrator may designate means (e.g., electronic program transmitted via

the Internet), other than hard-copy, for MIS form submission. For information on the electronic version of the form, see <http://www.fmcsa.dot.gov/safetyprogs/drugs/engtesting.htm>.

3. When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. The City shall ensure the accuracy and timeliness of each report submitted.
4. If the City has a covered officer who performs multi-D.O.T. agency functions (e.g., an officer drives a commercial motor vehicle and performs pipeline maintenance duties for the City), that officer is counted only on the MIS report for the D.O.T. agency under which he or she is randomly tested. Normally, this will be the D.O.T. agency under which the officer performs more than 50% of his or her duties. The City will be prepared to explain the testing data for these officers in the event of a D.O.T. agency inspection or audit.
5. The City may engage a service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) to prepare the MIS report on its behalf. However, a The City Manager must certify the accuracy and completeness of the MIS report, no matter who prepares it.

### **Access to Facilities and Records for Police Officers**

Except as required by law or expressly authorized or required in this section, The City shall not release officer information that is contained in records required to be maintained under the Federal Rules.

An officer is entitled, upon written request, to obtain copies of any records pertaining to the officer's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances test. The City shall promptly provide the records requested by the officer.

Access to an officer's records shall not be contingent upon payment for records other than those specifically requested.

The Federal Secretary of Transportation, any Federal Department of Transportation agency or state official with regulatory authority over the City of Powder Springs, GA, shall have access to all records.

Records shall be made available to a subsequent employer, upon receipt of a written request from the officer. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the officer's request.

The City may disclose information required to be maintained under this policy pertaining to an officer, to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substances test from the City's determination that the officer engaged in conduct prohibited by this policy.

### **Employer Notifications for Police Officers**

The City shall notify an officer of the results of the pre-employment controlled substances test conducted under this policy, if the officer requests such results within sixty (60) calendar days of being notified of the disposition of the employment application. The City shall notify an officer of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The City shall also inform the officer which controlled substances were verified as positive.

The Chief of Police shall make reasonable efforts to contact and request each officer who submitted a specimen under this policy, regardless of the officer's employment status, to contact and discuss the results of the controlled substances test with a medical review officer and shall report to the City Manager that the medical review officer

has made all reasonable efforts to contact the officer. The City shall, as soon as practicable, request the officer contact the medical review officer prior to dispatching the officer or within twenty-four (24) hours, whichever is earlier. The Chief of Police, or his/her designee, shall immediately inform the Medical Review Officer that the officer has been notified.

### **Inquiries from Previous Employers for Police Officers**

The City shall, pursuant to the officer's written authorization, inquire about the following information from the officer's previous employers, during the preceding two (2) years from the date of application, which are maintained by the officer's previous employers:

1. Alcohol tests with the result of 0.04 alcohol concentration or greater;
2. Verified positive controlled substances test results;
3. Refusals to be tested

If feasible, this information must be obtained and reviewed by the City prior to the first time an officer performs job duties for the City. If not feasible, the information must be obtained and reviewed as soon as possible, but not later than fourteen (14) calendar days after the first time an officer performs job duties for the City. The City may not permit an officer to perform job duties after fourteen (14) days without having made a good-faith effort to obtain the information as soon as possible. If an officer hired or used by the City ceases performing job duties for the City before the expiration of the fourteen day period or before the City has obtained the information the City must still make a good-faith effort to obtain the information.

The City must maintain a written, confidential record of the information obtained. If, after making a good-faith effort, the City is unable to obtain the information from a previous employer, a record must be made of the efforts to obtain the information and maintained in the officer's qualification file.

The City must provide to each of the officer's previous employers the officer's specific, written authorization for the release of the information. The release of any information under this section may take the form of personal interviews, letters, or any other method of transmitting information that ensures confidentiality.

The information may be provided directly to the City by the officer, provided that City assures itself that the information is true and accurate. The City may not use an officer to perform job duties if the City obtains information on the violation of prohibitions of this policy without obtaining information on subsequent compliance with the referral and the rehabilitation requirements of this policy.

### **Consequences for Officers engaging in prohibited conduct for Police Officers**

1. Any officer violating this policy shall be removed from duty and may be disciplined up to and including termination.
2. Any officer who has engaged in conduct prohibited by this policy shall be required to be evaluated by a substance abuse professional and submit to testing. Testing shall include follow-up and/or return-to-duty testing.
3. Each officer who is engaged in conduct prohibited by this policy shall be advised by the City of resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

# *Employees in safety-sensitive positions*

This section applies to all employees whose job function or position makes him/her responsible for his/her own safety or other people's safety, and for whom their job functions requires them to have a clear mind and be diligent while carrying out their job duties.

## **Prohibitions for Safety-Sensitive Positions**

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 grams per liter or more. No employee shall use or possess alcohol while performing safety-sensitive functions. No employee shall perform any safety-sensitive functions within four hours after using alcohol.
2. Use following an accident – no employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
3. Controlled substance use – No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having when the employee uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate safely a commercial motor vehicle or perform safety-sensitive functions. In such case, the employee must inform his/her department head or immediate supervisor of any therapeutic drug use.
4. Refusal to submit to a required alcohol or controlled substance test – No employee may refuse to submit to a required test. The City will not permit an employee who refuses to submit to a required test to perform or continue to perform safety-sensitive functions.
5. Violation – Any violation of any of the above listed prohibitions can result in discipline, including termination of the employee.

## **Tests Required for Safety-Sensitive Positions**

1. **Pre-employment testing** – Prior to the first time an applicant performs safety-sensitive functions for the City, the applicant or employee shall undergo testing for alcohol and controlled substances. The City shall not allow an employee to perform safety-sensitive functions until the employee has been administered an alcohol test and results have been received indicating an alcohol concentration of less than 0.04 and has been administered a controlled substances test and received results indicating a verified negative test result. The City shall not employ a person with a test result showing an alcohol concentration of 0.02 or greater or a positive controlled substances test.
2. **Post-accident testing** – As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the City shall test for alcohol and controlled substances in each surviving driver:
  - a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life or property or vehicle damage; or,
  - b. Who receives a citation under state or local law or a moving traffic violation arising from the accident.
  - c. Alcohol Tests – if a test is required by this section is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within

8 hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured persons following an accident or to prohibit an employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

If a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer the tests and the reason why the test was not conducted shall be recorded.

The results of the breath test for the use of alcohol or urine tests for the use of controlled substances, conducted by the federal, state or local officials having independent authority for the tests, shall be considered to meet the requirements of this section provided such tests conform to applicable federal, state or local requirements, and the results of the test are obtained by the City of Powder Springs.

3. **Random testing** – Pursuant to federal law, the minimum annual percentage rate for random alcohol testing shall be ten percent (10%) of the average number of employee positions. The minimum annual percentage rate for random controlled substances testing shall be fifty percent (50%) of the average number of employee positions.

The selection of employees for random testing shall be made by a scientifically valid method, so that each employee shall have an equal chance of being tested each time selections are made. The random and controlled substances test will be unannounced and the dates for the test administrations will be spread reasonably throughout the calendar year.

Each employee who is notified of selection for a random test shall proceed immediately to the test site. If the employee is performing a safety-sensitive function other than driving, the City will ensure that the employee ceases performing and proceeds to the testing site as soon as possible. An employee shall only be randomly tested for alcohol while he or she is performing safety-sensitive functions, or just after he or she has ceased safety-sensitive functions. Random substance abuse testing may be performed at any time while the employee is at work. In no event shall the City notify any employee to submit to a test while the employee is off work on extended leave.

4. **Reasonable suspicion testing** – The City shall require an employee to submit to an alcohol or controlled substances test when there is reasonable suspicion to believe the employee has violated any of the prohibitions listed in this policy concerning alcohol or controlled substances. An employee must submit to an alcohol test when the City has reasonable suspicion to believe that the employee has violated the prohibitions of subpart B of the Federal Rules concerning alcohol. The City's determination that reasonable suspicion exists to require the employee to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

An employee may be directed by the City to undergo reasonable suspicion testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

An employee must submit to a controlled substances test when the City has reasonable suspicion to believe that the employee has violated the prohibitions of subpart B of Federal Rules concerning controlled substances. The City's determination that reasonable suspicion exists to require the employee to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with §382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.

Alcohol testing is authorized only if the observations required are made during, just before, or just after the period of the work day where driving or safety-sensitive duties are being performed

Following the determination that reasonable suspicion exists, the employee shall be transported to the collection site by the employee's supervisor, or the supervisor's designee. Following the collection procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.

If an alcohol test required by the Federal Regulations is not administered within two hours following the determination under this section, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination of reasonable suspicion then the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Except as provided in this section, the City shall not take any action under this policy against an employee based solely on the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the City from taking any action otherwise consistent with law, having independent authority of this part.

A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

#### **Return to Duty for Safety-Sensitive Positions**

1. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City permit the employee to perform or continue to perform safety-sensitive functions, until:

- a. An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
  - b. Twenty four hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions of this policy concerning the use of alcohol.
2. If an employee is allowed to return to duty to perform a safety-sensitive function after engaging in conduct prohibited in this policy, the employee shall undergo a return-to-duty alcohol or drug test, depending upon the violation. The return to duty drug or alcohol test must indicate an alcohol concentration of less than 0.02 and/or a verified negative result for controlled substances.

### **Follow up for Safety-Sensitive Positions**

Following the determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the City shall ensure that the employee is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional in accordance with the Federal Rules.

Follow up alcohol testing shall be conducted only when the employee is performing safety-sensitive functions, but before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

The number frequency and type of the follow-up testing shall be as directed by the Substance Abuse Professional, but in any event shall consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty.

The Substance Abuse Professional may terminate the requirement for follow up testing at any time after the first six (6) tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

The requirements of this section with respect to referral, evaluation, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with the result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing requirements of this policy shall be considered on duty time.

### **Employment Action for Safety-Sensitive Positions**

1. Employees testing positive for controlled substances or violating the alcohol provisions of this policy can and may be subject to disciplinary action up to and including termination.
2. Any employee who is not terminated following a positive controlled substances test or a violation of the alcohol provisions of this policy shall be placed on probation for one-year following the date of the testing.
3. Failure to appear at the designated collection site when directed or failure to take the test shall subject the employee to the same sanctions as if the tests had been positive.

### **Drugs Tested For Safety-Sensitive Positions**

1. Every urine specimen shall be tested for marijuana, cocaine, opiates (morphine, codeine), phencyclidine, and amphetamines.

2. Alcohol shall be tested for by used evidential breath testing devices (EBT)

The requirements of this section with respect to referral, evaluation, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with the result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing requirements of this policy shall be considered on duty time.

### **Handling of records for Safety-Sensitive Positions**

The City shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in the Federal Rules (49 CFR §382.401). The records shall be contained in a secure location with controlled access.

The following records shall be retained for five (5) years:

1. Records of employee alcohol test results indicating an alcohol concentration of 0.02 or greater,
2. Records of employee verified positive controlled substances test results,
3. Documentation of refusals to take required alcohol and/or controlled substances tests,
4. Employee evaluation and referrals,
5. Calibration documentation,
6. Records related to the administration of the alcohol and controlled substances testing programs,
7. A copy of each annual calendar year summary required by §382.403.

The following records shall be retained for two (2) years:

Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

The following records shall be retained for one (1) year:

Records of negative and canceled controlled substances test results (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

The following records shall be retained indefinitely:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and employees shall be maintained by the City while the individual performs the functions that require the training and for two years after ceasing to perform those functions.

### **Reporting of Results in a Management Information System for Safety-Sensitive Positions**

1. The City shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year, when requested by the Secretary of Transportation, any D.O.T. agency, or any State or local officials with regulatory authority
2. If the City is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report the City's annual calendar year summary information, the City shall prepare and submit the report to the FMCSA by March 15 of that year. The City shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. The City will use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at § 40.26 and appendix H to part 40). The City may also use the electronic version of the MIS form

provided by the D.O.T. The Administrator may designate means (e.g., electronic program transmitted via the Internet), other than hard-copy, for MIS form submission. For information on the electronic version of the form, see <http://www.fmcsa.dot.gov/safetyprogs/drugs/engtesting.htm>.

3. When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. The City shall ensure the accuracy and timeliness of each report submitted.
4. If the City has a covered employee who performs multi-D.O.T. agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for the City), that employee is counted only on the MIS report for the D.O.T. agency under which he or she is randomly tested. Normally, this will be the D.O.T. agency under which the employee performs more than 50% of his or her duties. The City will be prepared to explain the testing data for these employees in the event of a D.O.T. agency inspection or audit.
5. The City may engage a service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) to prepare the MIS report on its behalf. However, a The City Manager must certify the accuracy and completeness of the MIS report, no matter who prepares it.

### **Access to Facilities and Records for Safety-Sensitive Positions**

Except as required by law or expressly authorized or required in this section, The City shall not release employee information that is contained in records required to be maintained under the Federal Rules.

An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances test. The City shall promptly provide the records requested by the employee.

Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

The Federal Secretary of Transportation, any Federal Department of Transportation agency or state official with regulatory authority over the City of Powder Springs, GA, shall have access to all records.

Records shall be made available to a subsequent employer, upon receipt of a written request from the employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's request.

The City may disclose information required to be maintained under this policy pertaining to a employee, to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substances test from the City's determination that the employee engaged in conduct prohibited by this policy.

### **Employer Notifications for Safety-Sensitive Positions**

The City shall notify an employee of the results of the pre-employment controlled substances test conducted under this policy, if the employee requests such results within sixty (60) calendar days of being notified of the disposition of the employment application. The City shall notify an employee of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The City shall also inform the employee which controlled substances were verified as positive.

The department head or Human Resources Director shall make reasonable efforts to contact and request each employee who submitted a specimen under this policy, regardless of the employee's employment status, to

contact and discuss the results of the controlled substances test with a medical review officer and shall report to the City Manager that the medical review officer has made all reasonable efforts to contact the employee. The City shall, as soon as practicable, request the employee contact the medical review officer prior to dispatching the employee, or within twenty-four (24) hours, whichever is earlier. The City Manager, or his/her designee, shall immediately advise the Medical Review Officer that the employee has been notified.

### **Inquiries from Previous Employers for Safety-Sensitive Positions**

The City shall, pursuant to the employee's written authorization, inquire about the following information from the employee's previous employers, during the preceding two (2) years from the date of application, which are maintained by the employee's previous employers:

1. Alcohol tests with the result of 0.04 alcohol concentration or greater;
2. Verified positive controlled substances test results;
3. Refusals to be tested

If feasible, this information must be obtained and reviewed by the City prior to the first time an employee performs safety-sensitive functions for the City. If not feasible, the information must be obtained and reviewed as soon as possible, but not later than fourteen (14) calendar days after the first time an employee performs safety-sensitive functions for the City. The City may not permit an employee to perform safety-sensitive functions after fourteen (14) days without having made a good-faith effort to obtain the information as soon as possible. If an employee hired or used by the City ceases performing safety-sensitive functions for the City before the expiration of the fourteen day period or before the City has obtained the information the City must still make a good-faith effort to obtain the information.

The City must maintain a written, confidential record of the information obtained. If, after making a good-faith effort, the City is unable to obtain the information from a previous employer, a record must be made of the efforts to obtain the information and maintained in the employee's qualification file.

The City must provide to each of the employee's previous employers the employee's specific, written authorization for the release of the information. The release of any information under this section may take the form of personal interviews, letters, or any other method of transmitting information that ensures confidentiality.

The information may be provided directly to the City by the employee, provided that City assures itself that the information is true and accurate. The City may not use an employee to perform safety-sensitive functions if the City obtains information on the violation of prohibitions of this policy without obtaining information on subsequent compliance with the referral and the rehabilitation requirements of this policy.

### **Consequences for Employees engaging in prohibited conduct for Safety-Sensitive Positions**

1. Any employee violating this policy shall be removed from performing safety sensitive functions and may be disciplined up to and including termination.
2. Any employee who has engaged in conduct prohibited by this policy shall be required to be evaluated by a substance abuse professional and submit to testing. Testing shall include follow-up and/or return-to-duty testing.
3. Each employee who is engaged in conduct prohibited by this policy shall be advised by the City of resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.



# Appendix C

## Electronic & Social Media Policies



Inspired. Invigorated. Innovative.

There's always  
something worth stepping  
out for in Powder Springs!

Find out more at:  
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or [cometopowdersprings.org](http://cometopowdersprings.org)  
#SpringInYourStep



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## **General Principles**

The City of Powder Springs owns and controls all workplace technology and therefore all communications and activity conducted over it. Employees shall have no expectation of privacy in their use of City-owned or operated equipment, including computers and all electronic devices. Authorized use of City-owned or operated computing and network resources shall be consistent with the mission of the City and consistent with this policy. Underlying this policy is the idea that each employee has a responsibility to use the City's information technology resources in a manner that increases productivity, enhances the City's public image, and is respectful of other employees.

### **Information Technology Resources Defined:**

Information technology resources consist of all electronic devices, software, and means of electronic communication including, but not limited to, the following: personal computers and workstations; laptop computers; mini and mainframe computers; computer hardware such as disk drives and tape drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; electronic mail; telephones; cellular phones; Blackberries, smart phones, pagers; and voicemail systems, and any other electronic equipment supplied by the City for work use.

### **Permitted General Access:**

Generally, employees are given access to the City's various information technology resources based on their job functions. Only employees whose job performance will benefit from the use of the City's information technology resources will be given access to the necessary technology. Additionally, employees must successfully complete City-approved training before being given access to the City's information technology resources. Authorized users of City computing and network resources include those who may not work for the City, but whose access has been authorized by management. Access, passwords, and e-mail accounts are granted by management of City and therefore access to the systems can also be denied by management.

This policy sets forth the acceptable usage of the information technology resources of the City by its employees. Generally, the resources should be used for business related functions; however, there are a few exceptions:

- To send and receive necessary and occasional personal communications;
- To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner;
- To use the telephone system for brief and necessary personal calls;
- To access the Internet for brief personal searches and inquiries during meal times or other breaks, or outside of work hours, provided that employees adhere to all other usage policies, including appropriateness of content.

In subsequent sections, this policy defines unacceptable uses of the information technology resources of the City in more detail. The City reserves the right, upon reasonable cause for suspicion, to access all aspects of its computing systems and networks, including individual login sessions to determine if a user is violating this policy or state or federal laws.

## User Responsibilities

### **System Integrity, Security and Encryption:**

All systems passwords and encryption keys must be available and known to the City. Employees shall not install password or encryption programs without the written permission of our Systems Supervisor. Employees may not use the passwords and encryption keys belonging to others. All passwords must be shared with management.

### **Privacy:**

No user should view, copy, alter, or destroy another's personal electronic files without permission (unless authorized or required to do so by law or regulation). In addition, users should not have an expectation of privacy. The information technology system belongs to the City. Users expressly waive any right of privacy in anything they create, store, send, or receive on the City's information technology systems.

### **Copyright:**

Written permission from the copyright holder is required to duplicate any copyrighted material. This includes duplication of audio tapes, videotapes, photographs, illustrations, computer software, and all other information for any purpose. Most software that resides on City computing network(s) is owned by City, or third parties, and is protected by copyright and other laws, together with licenses and other contractual agreements. Users are required to respect and abide by the terms and conditions of software use and redistribution licenses. Such restrictions may include prohibitions against copying programs or data for use on City computing network(s) or for distribution outside the City; against the resale of data or programs, or the use of them for financial gain; and against public disclosure of information about programs (e.g., source code) without the owner's authorization.

### **Harassment, Libel, and Slander:**

No user may, under any circumstances, use City computers or networks to libel, slander, harass or otherwise defame any other person or entity.

## Access to Information Technology Resources

### **Sharing of Access:**

Computer accounts, passwords, and other types of authorization are assigned to individual users and should not be shared with others. You are responsible for any use of your account. If an account is shared or the password divulged, the holder of the account will lose all account privileges and be held personally responsible for any actions that arise from the misuse of the account.

### **Permitting Unauthorized Access:**

Employees may not intentionally run or otherwise configure software or hardware to allow access by unauthorized users.

### **Termination of Access:**

When you cease being an employee of City or if you are assigned a new position and/or responsibilities, your access authorization must be reviewed. You must not use facilities, accounts, access codes, privileges or information for which you are not authorized in your new circumstances.

### **Circumventing Security:**

Users are prohibited from attempting to circumvent or subvert any system's security measures. Users are

prohibited from using any computer program or device to intercept or decode passwords or similar access control information.

**Breaching Security:**

Deliberate attempts to degrade the performance of a computer system or network or to deprive authorized personnel of resources or access to any City computer or network is prohibited. Breaches of security include, but are not limited to, the following: creating or propagating viruses, hacking, and password grabbing.

**Abuse of Information Technology Resources**

Abuse of City computer resources is prohibited and includes, but is not limited to:

**Illegal Activity:**

An employee shall not use the City's computer facilities to break any laws and regulations of the United States or any other country. Use of the Internet or any other information technology resource for illegal purposes will be grounds for termination.

**Game Playing:**

Computing and network services are not to be used for recreational game playing. Game playing on City time is counterproductive and will be subject to corrective and/or disciplinary action.

**Chain Letters:**

The propagation of chain letters is considered an unacceptable practice by City and is prohibited. If a chain letter is received by an employee, the City prohibits the forwarding of the email to anyone.

**Faxing:**

Using the City fax machine or computer faxing capabilities for non-City related activities is strictly prohibited. The City prohibits the use of any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine unless authorized by management.

**Harassing, Discriminatory, and Defamatory Use:**

Employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. Under no circumstances may employees use the City's information technology resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually explicit or racial messages, jokes, cartoons).

**Gambling:**

The use of City computers and networks to gamble is strictly prohibited.

**Online Shopping:**

The use of the City computers and the Internet to conduct personal online shopping is prohibited during work time, which does not include authorized breaks.

**Unauthorized Monitoring:**

A user may not use computing resources for unauthorized monitoring of electronic communications. However, the City has the right to monitor any aspects of its computer system including monitoring sites visited by employees, chat groups, newsgroups, and downloading and uploading of files.

**Flooding or Spamming:**

Posting a message to multiple list servers or news groups with the intention of reaching as many users as possible is prohibited. Spamming email addresses within or outside the City is also prohibited.

**Private Commercial Purposes:**

The computing resources of City shall not be used for personal or private commercial purposes or for financial gain.

**Political Advertising or Campaigning:**

The use of City computers and networks shall not be used for political purposes.

**Software Piracy:**

Access to the Internet enables users to download a wide variety of software products for a fee as shareware or for free. You are required to fulfill all license and copyright obligations of software that you download for your own use. These software downloads become the property of the City. Any employee who knowingly violates this software piracy rule is subject to termination.

**Use of Unlicensed Software:**

The use of unlicensed software on City computers is strictly prohibited. All software in use on the City's information technology resources must be officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the City's computers, by any means of transmission, unless authorized by the IT staff. Authorization for loading software onto the City's computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

**Software for Home Use:**

Although some software licenses allow software to be used on portable computers and home computers in addition to office computers, before transferring or copying any software from a City information technology resource to another computer, employees must request permission and receive written authorization. Authorization should be obtained from Department Head, City Manager or IT staff.

**Pornography:**

Employees are not allowed to visit sites that are considered "obscene". The City may maintain a system to monitor Internet usage. In the event that an employee disregards this policy and continually visits "unauthorized" sites, it may be grounds for disciplinary action up to and including termination after a warning has been issued to the employee. The City has the right to view private files that have been downloaded to check for the propriety of these downloads. The City also prohibits using City computer resources to send sexually oriented images or messages.

**Guest Books, Newsgroups, and Bulletin Boards:**

Additionally, employees must not sign "guest books" at Web sites or post messages to Internet news groups or discussion groups at Web sites. These actions will generate junk electronic mail and may expose the City to liability or unwanted attention because of comments that employees may make. The City strongly encourages employees who wish to access the Internet for non-work related activities to get their own personal Internet access accounts. Employees may subscribe to newsgroups provided they involve work-related topics such as local events, groups or educational issues, however, even the use of those information resources via the City's information technology resources should be approved by management.

**Chat and Instant Messaging:**

Employees are not permitted to use the City's information technology resources for chat or instant messaging unless approved for a work purpose by management.

**Other Prohibited Uses:**

Employees may not use any of the City's information technology resources for any impermissible or illegal purpose, in violation of any City policy, in a manner contrary to the best interests of the City, in any way that discloses confidential or proprietary information of the City or third parties, or for personal gain.

**Unauthorized Use and Sanctions****Unauthorized Use:**

The issuance of a password or other means of access is to assure appropriate confidentiality of City files and information and does not guarantee privacy for personal or improper use of City equipment or facilities.

City provides reasonable security against intrusion and damage to files stored on the central facilities. City also provides some facilities for archiving and retrieving files specified by users and for recovering files after accidental loss of data. However, City is not responsible for unauthorized access by other users or for loss due to power failure, fire, floods, etc. City makes no warranties with respect to Internet services, and it specifically assumes no responsibilities for the content of any advice or information received by a user through the use of the City's computer network.

Users should be aware that City computer systems and networks may be subject to unauthorized access or tampering. In addition, computer records, including e-mail, are considered "records" which may be accessible to the public under the law.

**Sanctions:**

Violators of this policy will be subject to the existing employee disciplinary procedures of City. Sanctions may include the loss of computing privileges. Illegal acts involving City computing resources may also subject users to prosecution by state and federal authorities.

**Management Access to Technology Resources****Information is City of Powder Springs Property:**

All messages sent and received, including personal messages, and all data and information stored on the City's electronic mail system, voicemail system, or computer systems are City property regardless of the content. As such, the City reserves the right to access all of its information technology resources including its computers, voicemail, and electronic mail systems, at any time, at its sole discretion.

**Employee Privacy:**

Although the City does not wish to examine personal information of its employees, on occasion, the City may need to access its information technology resources including computer files, electronic mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on the City's technology resources, including personal information or messages. The City may, at its discretion, inspect all files or messages on its information technology resources at any time for any reason. The City may also monitor its information technology resources at any time in order to determine compliance with these policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose.

Employees should assume that any communication - whether business related or personal - that they create, send, receive, or store on the City's information technology resources may be read or heard by someone other

than the intended recipient. Therefore highly confidential or sensitive information should not be sent through e-mail, the Internet, or the World Wide Web.

The City reserves the right to keep an employee's e-mail address active for a reasonable period of time following an employee's departure from the City to ensure that important business communications reach the City. City will review such communications and send any appropriate personal communications to the former employee if forwarding information is provided at termination.

**Monitoring:**

City has the right to monitor any and all usage of its computer systems including (but not limited to) sites visited by users on the Internet, chat groups, and newsgroups, and downloaded or uploaded software. All employees must be aware that the City may use automated software to monitor documents created, stored, sent, or received.

**Passwords:**

Some of the City's information technology resources can be accessed only by entering a password. Passwords are intended to prevent unauthorized access to information. Passwords do not confer any right of privacy upon any employee of the City. Thus, even though employees may maintain passwords for accessing information technology resources, employees must not expect that any information maintained on the information technology resources, including electronic mail and voicemail messages, are private. Employees are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

**Data Collection by the City of Powder Springs:**

The best way to guarantee the privacy of personal information is not to store or transmit it on the City's information technology resources. To ensure that employees understand the extent to which information is collected and stored, below are examples of information maintained by the City. The City may, however, at its sole discretion, and at any time, alter the amount and type of information that it retains.

**Telephone Use and Voicemail** - Although voicemail is password protected, an authorized administrator can reset the password and listen to voicemail messages.

**Electronic Mail** - Electronic mail is backed up and archived. Although electronic mail is password protected, an authorized administrator can reset the password and read electronic mail.

**Document Use** - Each document stored on the City computers has a history, which shows which users have accessed the document for any purpose.

**Internet Use** - Internet sites visited, the number of times visited, and the total time connected to each site is recorded and periodically monitored.

**Deleted Information:**

Deleting or erasing information, documents, or messages maintained on the City's information technology resources is, in most cases, ineffective. All employees should understand that any information kept on the information technology resources may be electronically recovered regardless of whether it may have been "deleted" or "erased" by an employee. Because the City periodically backs up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

## **E-mail Policies**

### **Acceptable E-mail Usage:**

In the operation of this City, e-mail is a business tool. The use of e-mail is reserved primarily for business use. However, under some circumstances, City's e-mail systems can be used to send and receive messages to and from children, spouses, domestic partners, and immediate family, however, the time involved in such activity should be limited to no more than [15] minutes per day.

### **E-mail Passwords:**

Only authorized employees issued e-mail passwords are permitted to use passwords to access their own e-mail accounts. Only authorized employees are permitted to use the password of another employee to access that employee's e-mail account. Misuse of passwords and the unauthorized sharing of passwords will result in disciplinary action, up to and including termination.

### **Forwarding E-mails:**

Users may not forward e-mail to others without the express permission of the sender. The express permission is necessary since frequently e-mail contains confidential, proprietary, and trade secrets. All employees must consider that e-mail messages meant for a single reader may not be meant for widespread distribution.

### **Chain Letters:**

Employees are prohibited from initiating or forwarding chain letters via e-mail. A chain letter is a message sent to a number of people asking each recipient to send copies with the same request to a specified number of others.

### **Accurate Communication via E-mail:**

All employees should make every attempt to communicate truthfully, accurately and clearly via e-mail. Employees should use the same due care in drafting e-mail as they would for any other City communication.

### **Spamming:**

Employees are prohibited, without the expressed consent of their supervisor and the recipient, from sending spam (unsolicited e-mail). Employees are prohibited from sending City-wide e-mail messages to all employees without the approval of an appropriate supervisor.

### **Spoofing:**

Employees are prohibited from hiding their identity (spoofing) when sending e-mail. Any anonymous or pseudonymous e-mail messages are prohibited.

### **Communication of Confidential and Sensitive Information via E-mail:**

Unauthorized communications via e-mail of confidential and sensitive information is strictly prohibited. This type of information is a valuable asset of the City. Unauthorized dissemination of this type of information may result in civil liability as well as criminal penalties. E-mail messages are like paper documents. Client-related e-mail messages should be carefully guarded and protected. Before sending an e-mail message, every employee should think about how a third party to the message might interpret the message.

### **Blind Carbon Copies (bcc):**

Due care must be exercised when sending blind carbon copies (blind cc) of e-mail messages. All employers using "blind cc" must ensure that the addressee's privacy is not violated.

**E-mail Ownership Policy:**

All e-mail messages you create, receive, and use in the course of business is the property of City. It does not belong to you or other employees or to any third party. At management's request, employees must make available any or all City records (including e-mails). The law gives the management of City the right of access to all employee messages sent or received via City systems. Concerning e-mail, employees have no expectation of privacy.

**E-mail Retention:**

E-mail is a generic term and does not refer to any particular type of record, however, most e-mail is typically considered to be a business record. Records in e-mail systems include not only the messages sent and received, but also the transmission and receipt data as well.

Since e-mail is considered a usually type of correspondence, e-mail retention periods should agree with City records retention policy. If you have determined that the e-mail message is not correspondence, but it is another type of record, then review the appropriate retention schedule to determine the applicable retention / disposition period.

Certain e-mail messages may be considered non-records. Examples of such non-records include:

- Non-business Listserv messages
- Courtesy copies (duplicates) of messages.
- Minor, non-policy announcements or reminders, i.e., blood drives, City fund raising activities, etc.

All employees are responsible for retaining e-mails. Employees are also responsible for deleting drafts and non-business e-mail messages once they are no longer needed. Even though you have deleted e-mail messages, do not assume that that they cannot be recovered.

**Internet Usage Policy**

The City has made substantial investments to make it possible for you to communicate electronically with fellow employees and customers, as well as to seek information from the worldwide web. The purpose of these investments is to help you do your job in a more efficient manner. The City's facilities that make this possible include costs for telecommunications, networking, additional software, and mass storage. This policy is designed to define expectations for what is acceptable and what is not when it comes to using these resources wisely.

To reiterate, Internet usage is provided to you as a result of a significant investment and it is expected that you use these resources for business purposes. Examples of appropriate usage include the following:

- Communicating with fellow employees, customers, prospects, and suppliers.
- Researching topics that are relevant to your specific job requirements.
- Conducting other business activities such as working with the manager who manages the City website (e.g. posting job opportunities, describing City products, etc.)

Under no circumstances are employees permitted to use the Internet to access, download, or contribute to the following:

- Gross, indecent, or sexually oriented materials
- Sports sites
- Job search sites

- Entertainment sites
- Gambling sites
- Games, humor
- Illegal drug oriented sites
- Personal pages of individuals
- Politically oriented sites

**Confidentiality and the Internet:**

Issues of confidentiality take on critical importance when it comes to the Internet. See related sections on Public Forums. The Internet provides a new level of communication enabling all levels of City employees to make statements for the City. When a City employee sends a message or communicates through a public forum as an employee, it is natural for the recipient of that message or communication to understand it to be a City position or message. In fact, as will often be the case, it may just be a personal opinion. Therefore, employees must include a disclosure stating that the information provided is a personal opinion and does not reflect the opinion of the City.

Under no circumstances should employees disseminate City confidential information over the Internet to anyone that is not covered by a confidential disclosure agreement. Great care must be taken even when sending confidential information to individuals who are covered by CDAs (Confidential Disclosure Agreements). It is very easy to make a mistake when messages are inadvertently sent to the wrong address, or if the wrong file is sent, for that matter. Security and confidentiality need to be extremely high concerns for all City employees.

When confidential files are sent over the Internet, users must take great care in disseminating them. It is strongly recommended that files be encrypted before file transmissions.

**Sexual Harassment:**

Displaying sexually explicit images on City property is a violation of the City's policy on sexual harassment. The employee is not allowed to download, archive, edit or manipulate sexually explicit material while using City resources. If an employee receives material from the outside that is sexually explicit, it is wise to destroy it and advise the sender of the material that you do not wish to receive any additional material of this nature. If the originator of this material is another City employee, you should immediately advise a supervisor and the Human Resources department.

**Bad Judgment/Taste:**

It is a violation of City policy to store, view or print graphic files that are not directly related to an employee's job or the business activity of the City. Examples of these misuses might include downloading games, jokes, audio files, animations, or movie segments.

If you receive messages from fellow employees or outsiders that are in bad taste, it is recommended that you ask them to stop sending such material. Fellow employees should be warned to stop. If it continues, employees are encouraged to disclose this information to Human Resources so a formal warning can be issued.

**Honest Disclosure:**

City employees are expected to disclose accurately represent who they are when sending e-mail, registering accounts or when conducting other Internet transactions. Attempting to subvert these disclosure policies is a serious offense.

**Excessive Resource Requirements:**

Employees are reminded to make prudent use of the Internet to avoid any degradation of the overall City

computing resources. Therefore, it is recommended that employees refrain from excessive downloads that might constrain computing resources.

**Public Forums:**

Employees are allowed to enter public forums when it makes business sense to do so. Only those employees who are authorized to speak on behalf of the City may do so in the name of the City in any newsgroup, public forum, or chat rooms. Employees that do not have this authorization cannot make statements as an individual on behalf of the City. Therefore it is necessary to identify yourself as an individual (not as a City spokesperson) when you enter any public forum. If asked whether your comments can be construed as a City statement, you can only make this claim if you are an authorized person to do so. All confidentiality matters apply to public forums. It is important to reiterate that you should make no comments about confidential information.).

**Guest Books, Newsgroups, and Bulletin Boards:**

Additionally, employees must not sign "guest books" at Web sites or post messages to Internet news groups or discussion groups at Web sites. These actions will generate junk electronic mail and may expose the City to liability or unwanted attention because of comments that employees may make. The City strongly encourages employees who wish to access the Internet for non-work related activities to get their own personal Internet access accounts. Employees may subscribe to newsgroups providing they involve work-related topics such as local events, groups, or educational issues, however, even the use of those information resources via the City's information technology resources should be approved by management.

**Chat and Instant Messaging:**

Employees are not permitted to use the City's information technology resources for chat or instant messaging unless approved for a work purpose by management.

**Private Internet Use:**

If you use the Internet at home on your own account, your privileges and privacy are assured. However, all confidentiality clauses remain and employees may not make unauthorized statements as a City employee or without the proper disclosures that the opinions are personal.

**Internet Access and Administration**

The City reserves the right to limit access to the Internet for those employees who are required to use it. The City also reserves the right to monitor the usage of the Internet. This includes the following:

- The blocking of certain sites that have been deemed offensive. Trying to subvert this blocking will be grounds for termination.
- Monitoring the usage rates of the Internet by all employees and individual usage. The City reserves the right to publish this information on an internal basis.
- Monitoring the specific sites that each employee visits, and the length of each visit.
- All file transfers and e-mail deliveries will also be monitored.

None of your communications and Internet visits made during business hours are considered to be private, therefore treat all of your activities as such. The City reserves the right to inspect files and communications that you make to assure compliance with this policy.

**Making City of Powder Springs Purchases over the Internet**

Employees who have budgetary approval may use their City credit cards to purchase products over the Internet.

## **Internet Security**

The Internet provides great benefits and great risks. As never before, the City's resources can be severely impaired or damaged when proper procedures are not adhered to:

### **Virus, Trojan Horses, etc.:**

All files that are downloaded must be first scanned for possible infection. Any employee who knowingly tries to propagate the Internet or internal resources with infected viruses or Trojan Horses will be subject to termination.

### **Firewalls, Security Systems:**

The City has installed a variety of systems to thwart intrusion by outside hackers. It is extremely important that system integrity be maintained. Any user who tries to override these security measures will be subject to termination.

### **Use of Modems:**

Because independent modems can be infiltrated by outside users, all computers that are authorized with this usage must be separate from the networking facilities of other City computers.

## **SOCIAL MEDIA POLICY**

### **A. Purpose and Intent.**

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of City of Powder Springs operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the City of Powder Springs's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

### **B. Definitions.**

1. For purposes of this policy, the term "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to internet-based websites, applications, or similar platforms such as, but not limited to, Facebook®, Twitter®, Instagram®, Pinterest®, LinkedIn®, Google+®, YouTube®, Tumblr®, and Reddit®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.

2. For purposes of this policy, the term, "social media activity" is defined as the act of sharing or providing information or otherwise communicating through social media, including, but not limited to, the posting,

uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

C. Scope of Policy.

1. This policy applies to all employees of the City of Powder Springs without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.
2. This policy applies to all employees of the City of Powder Springs without regard to job title, position or rank; however, with the approval of the City Manager, the Police Department and any other department or affiliated agency of the City of Powder Springs having special or unique concerns pertaining to its employees' social media activity may adopt and implement more restrictive standard operating procedures or other internal rules narrowly designed to address such concerns.

D. Prohibitions on Social Media Activity.

1. All employees of the City of Powder Springs should remain mindful that, as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.
2. Each employee of the City of Powder Springs who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the City of Powder Springs, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability, or other City of Powder Springs characteristics protected by law, or otherwise engaging in conduct unbecoming an employee of the City of Powder Springs, bringing discredit to the City of Powder Springs , or interfering with or detrimental to the mission or function of the City of Powder Springs .
3. Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for City of Powder Springs programs.
4. While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.

5. No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the City of Powder Springs, any other current or former employee of the City of Powder Springs or any applicant for employment with the City of Powder Springs.

E. Limitations and Restrictions on Social Media Activity.

1. Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the City of Powder Springs through social media and, except as otherwise authorized in advance by the City Manager, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the City of Powder Springs. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict the City of Powder Springs's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the City of Powder Springs.

2. Except as otherwise authorized in advance by the City Manager, if an employee's status as an employee of the City of Powder Springs is disclosed, revealed, or otherwise made apparent in connection with his/her social media activity, his/her social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the City of Powder Springs; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which otherwise violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the City of Powder Springs if their status as City of Powder Springs employees is disclosed or revealed in connection therewith.

3. Except as otherwise authorized in advance by the City Manager, no employee may utilize City of Powder Springs computers or equipment for purposes of engaging in social media activity.

4. Except as otherwise authorized in advance by the City Manager, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recordings, photographs/images, etc. from City of Powder Springs computers or equipment.

5. To preserve the continuity of the City of Powder Springs's message, ensure accuracy, and avoid unnecessary confusion in the community, except as otherwise authorized in advance by the City Manager, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of City of Powder Springs programs, projects, activities, initiatives, or events.

6. Exceptions to the above-stated limitations and restrictions may be authorized by the City Manager; provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc. via social media activity will be fully consistent with the letter and spirit of this and all other policies of the City, any internal SOP's or rules adopted by his/her department director, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.

7. The City of Powder Springs reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) if such posted material constitutes a violation of this policy or other City of Powder Springs policies.

F. Application to Other Policies.

All personnel policies of the City of Powder Springs relating to employee conduct apply equally to conduct that occurs through social media, to include emails and text messages. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the City Manager.

G. Duty to Report.

All employees have an ongoing duty to report any violations of this policy by any other employee. The City of Powder Springs considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.

H. No Expectation of Privacy in Social Media Activity.

1. Employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with the City of Powder Springs's current E-Policy found in appendix C in this guide regarding Employee Use of Internet & Email, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the City of Powder Springs, any of its departments, or its employees.

2. The City of Powder Springs reserves the right to inspect or monitor any social media activity engaged in by its employees using City of Powder Springs-owned computers or other electronic equipment or devices. In addition, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the City that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other City of Powder Springs policy.

I. Workplace and/or On-Duty Usage.

Because it recognizes that social media is an emerging form of communication, the City Of Powder Springs permits employees to engage in limited social media activity in the workplace and/or while on duty, similar to receiving a personal text message or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/on-duty social media activity, as appropriate.

J. Corrective and/or Disciplinary Action; Other Potential Consequences.

1. Employees engaging in social media, emailing, or texting activity in violation of this policy will be held accountable, and corrective and/or disciplinary action, up to and including termination of employment, may be taken in accordance with the City of Powder Springs's disciplinary policies procedures.
2. Employees failure to take mandatory training or failure to follow any written and approved policy will be held accountable, and corrective and/or disciplinary action, up to and including termination of employment, may be taken in accordance with the City of Powder Springs's disciplinary policies procedures.
3. If an employee is sued in part due to his/her social media, emailing, or texting activity under circumstances where the City of Powder Springs would ordinarily provide a defense and/or indemnify the employee, the City of Powder Springs reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of the City of Powder Springs.

K. Interpretation and Application.

1. Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or federal or state rights to engage in any statutorily-protected activity.
2. Any employee unsure about the application of this policy to any particular social media, emailing, or texting activity should seek guidance from the City Manager before engaging in such activity.
3. This policy is intended for internal use of the City of Powder Springs only and should not be construed as establishing a higher duty or standard of care for purposes of any third party civil claims against the City of Powder Springs and/or its employees. A violation of this policy by an employee provides only a basis for corrective and/or disciplinary action against such employee by the City of Powder Springs.



## *Appendix D*

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### *Worker's Compensation Policy and Forms*



Workers' Compensation covers injuries "by accident arising out of and in the course of the employment and shall not, except as otherwise provided, include a disease in any form except where it results naturally and unavoidably from the accident."

There are three (3) types of claims. They are:

1. Incident only – This results in no lost time and no medical treatment other than first aid;
2. Medical only – This results in no lost time over 7 days and only minimal medical treatment required. These claims are usually resolved within 6 months; and,
3. Indemnity/Lost Time – This results in lost time exceeding the waiting period of seven (7) days, ongoing medical treatment, subrogation and litigation.

Except in cases of bona-fide emergencies, all medical treatment provided under Worker's Compensation MUST be provided by a physician who appears on the Worker's Compensation Panel of Physicians, as posted in the respective employee's department. The City of Powder Springs will pay medical costs for treatment by the physician(s) that the employee selects from the Panel of Physicians.

If an employee is injured on the job, or has a job related illness while on duty, the employee must notify his/her immediate supervisor, a member of the department's administrative staff or the Human Resources Office as soon as the injury occurs, regardless of the extent of the injury, and when possible, prior to seeking treatment.

In the case of a bona fide emergency involving severe injury, or when a Panel Physician is not available, the employee should be transported by ambulance to the nearest hospital emergency room to seek immediate medical attention. However, a Panel Physician must thereafter, render all follow-up care, or provide a referral for the same. In all cases, the treating physician will verify employment and eligibility for treatment with the City before commencing treatment, unless the nature of the injury so prohibits. Delay in notification may result in denial of payment for medical services rendered.

In the event an employee is involved in an on the job injury that is NOT a bona-fide emergency, the City will arrange to have the employee driven to the nearest medical facility that he/she selects from the posted Panel of Physicians in his/her department. If the employee desires to obtain medical services from a physician not listed on the Panel he/she may do so; however, he/she will be liable for those medical expenses.

The physician selected from the Panel of Physicians may arrange for appropriate consultations, referrals, and other specialized medical services, as the nature of the injury requires. If the employee is dissatisfied with the physician selected, the employee may make one change without permission to a second physician also listed on the Panel. Upon notification of the employer or its administrator, an Independent Medical Examination may be elected as set forth by the law. However, any further changes require the permission of the employer/insurer, self-insurer claims office, or the State Board of Workers' Compensation.

(This notice must be posted in a conspicuous place readily accessible to the employees at all times.)

## OFFICIAL NOTICE

This business operates under the Georgia Workers' Compensation law.

**WORKERS MUST REPORT ALL ACCIDENTS IMMEDIATELY TO THE EMPLOYER BY ADVISING THE EMPLOYER PERSONALLY, AN AGENT, REPRESENTATIVE, BOSS, SUPERVISOR, OR FOREMAN.**

If a worker is injured at work, the employer shall pay medical and rehabilitation expenses within the limits of the law. In some cases the employer will also pay a part of the worker's lost wages.

Work injuries and occupational diseases should be reported in writing whenever possible. The worker may lose the right to receive compensation if an accident is not reported within 30 days (see O.C.G.A. § 34-9-80).

The employer will supply free of charge, upon request, a form for reporting accidents and will also furnish, free of charge, information about worker's compensation. The employer will also furnish to the employee, upon request, copies of board forms on file with the employer pertaining to the employee's claim.

A worker injured on the job must select a doctor from the list below. The minimum panel shall consist of at least six physicians, including an orthopedic surgeon with no more than two physicians from industrial clinics (see O.C.G.A. § 34-9-201). Further, this panel shall include one minority physician; whenever feasible (see Rule 201 for definition of minority physician). The Board may grant exceptions to the required size of the panel where it is demonstrated that more than four physicians are not reasonably accessible. One change of doctor, from the list, may be made without permission. Further changes require the permission of the employer or the State Board of Worker's Compensation.

State Board of Workers' Compensation  
270 Peachtree Street, N.W.  
Atlanta, Georgia 30303-1299  
(404)656-3818  
Or 1 (800) 533-0682  
<http://www.sbwcc.georgia.gov>

**SEE THE CURRENT PANEL POSTED IN YOUR DEPARTMENT FOR A LIST OF WORKER'S COMPENSATION PANEL OF PHYSICIAN'S**

Name: Address: Phone:	Name: Address: Phone:	Name: Address: Phone:
Name: Address: Phone:	Name: Address: Phone:	Name: Address: Phone:

(Additional doctors may be added on a separate sheet.)

The insurance company providing coverage for this business under the Worker's Compensation Law is:

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

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

\_\_\_\_\_  
Address

IF YOU HAVE QUESTIONS PLEASE CONTACT THE STATE BOARD OF WORKERS' COMPENSATION AT 4046563818 OR 18005330682 OR VISIT <http://www.sbwcc.georgia.gov> Willfully making a false statement for the purpose of obtaining or denying benefits is a crime subject to penalties of up to \$10,000.00 per violation (O.C.G.A. §34918 and §34919).

WCP1 (9/2011)

Incident/Claim No: \_\_\_\_\_

### First Report of Injury Worksheet

1. Investigate the incident/injury
2. Fill out this form completely.
3. Upon completion of the form, immediately call 1-800-835-6651 or fax to 678-686-6388. The GMA Claims Reporting Center.
4. Claims can be reported 24 hours a day, 7 days a week, 365 days a year via fax. The Claims Line is open from 8:00 AM to 4:30 PM M-F. Messages left after hours will be returned the next business day.
5. You may also report your claim online by going to [www.gmaweb.com](http://www.gmaweb.com) and logging into the Members area.
6. Keep a copy of this worksheet on file for your records.

**Employer Name** \_\_\_\_\_ **Employer Phone Number** \_\_\_\_\_

**Employer Address** \_\_\_\_\_ **City, State and Zip Code** \_\_\_\_\_

**Department** \_\_\_\_\_ **Employee's Occupation** \_\_\_\_\_

**Employee Name** \_\_\_\_\_ **Date of Hire** \_\_\_\_\_

**Employee Address** \_\_\_\_\_ **City, State and Zip Code** \_\_\_\_\_

Social Security # \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **Home Phone:** \_\_\_\_\_

Age: \_\_\_\_\_ ; Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ , Sex M \_\_\_\_\_ , F \_\_\_\_\_

Hours worked per day: \_\_\_\_\_ Per week: \_\_\_\_\_ # of days per week: \_\_\_\_\_

Wage at time of injury: \$ \_\_\_\_\_ per hour; \$ \_\_\_\_\_ per day; \$ \_\_\_\_\_ per week; \$ \_\_\_\_\_ per month

**Date of Injury** \_\_\_\_\_ **Place of Accident or Exposure (address)** \_\_\_\_\_ **County of Injury** \_\_\_\_\_

Did accident occur: \_\_\_\_\_

On Employers' Premises: Y \_\_\_\_\_ N \_\_\_\_\_ Time of Injury: \_\_\_\_\_ AM/PM

Date Employer was Notified: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Did employee work the next day: Y \_\_\_\_\_ N \_\_\_\_\_

First day employee failed to work a full day: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Did employee receive full pay for the date of injury? Y \_\_\_\_\_ N \_\_\_\_\_

If employee returned to work, give date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Returned to work at what wages: \$ \_\_\_\_\_ per week

How did the Injury or Exposure occur? (Please be specific, use additional sheet if necessary)

What was the source of the injury? (Part of body, machine or incident that caused the injury/exposure)

If Fatal, Give Date of Death: \_\_\_\_\_

Name and address of Physician or Facility where treated: \_\_\_\_\_

Report prepared by: \_\_\_\_\_ Title: \_\_\_\_\_

Phone number: \_\_\_\_\_ Date: \_\_\_\_\_

EMPLOYER'S FAILURE TO SUBMIT THIS REPORT TO GMAE IMMEDIATELY MAY RESULT IN PENALTY.

Willfully making a false statement for the purpose of obtaining or denying benefits is a crime subject to penalties of up to \$10,000 per violation (O.C.G.A. §34-91.8 and §34-9-19).

REV. DATE 7/2003

## GMA APPROVED PHARMACIES AND MEDICAL EQUIPMENT VENDORS

The following pharmacies and providers are to be utilized to provide prescription medicines and medical equipment.

### Pharmacies

Wal-Mart – any location within Georgia Sam's Club – any

location within Georgia Target Stores – any location within

Georgia Rite-Aid Stores – any location within Georgia

AWPRX – Vendor will provide prescription cards to employee's which they can use at any pharmacy or set-up home delivery.

This vendor has been set up to limit the employee's need to pay for prescriptions out of pocket or delay their receipt of prescriptions. If you or the employee experience any problems with this service, please notify the examiner immediately.

### Medical Equipment (wheelchairs, commodes, TENS units etc.)

TMS – Total Medical Solutions – home delivery services anywhere within the US

Online: [www.newtms.com](http://www.newtms.com) or contact 800-700-9393

MSC – Medical Services Company – home delivery anywhere within the US

Online: [www.MedServCo.com](http://www.MedServCo.com) or contact 800-848-1989

Your claims examiner will set up these services for you as needed.

Please contact your claims examiner immediately if you experience any problems utilizing these services.



## *Appendix E*

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### *Pandemic Policies*



## **Emergency Closure**

**I. PURPOSE** To provide procedures for the operation of the city in the event of emergency closure.

**II. SCOPE** All Employees

**III. POLICY** In situations where conditions will affect the normal operations of the city, the City Manager will consult with elected officials regarding the suspension of normal operations including the delay or closure of City facilities and subsequent opening of specific facilities.

## **IV. PROCEDURES**

### **A. Procedures for Declared Closures/Delays**

- 1.** A joint announcement of any closings will be made through the office of the City Manager via local television and radio stations, and the City website.
- 2.** All city employees are expected to report for their assigned duty at their assigned hour at their assigned place of assembly unless a delay or closing of City facilities is announced.
- 3.** Emergency and other essential employees designated by the City Manager or their department heads who are required to work, (including telework) will be compensated for the time worked during the closure or delay at their regular rate.
- 4.** If an emergency closure occurs outside of normal business hours, on a holiday or a weekend when the city administrative offices are normally closed, the City Manager, in consultation with the elected officials, will make a determination as to whether or not to consider the event severe enough to implement this policy. If the determination is made to consider normal operations suspended, then this policy would be in effect.
- 5.** Should there be a decision to close or delay opening of some or all facilities, the closing will begin at the time the determination has been made and will conclude when the decision has been made to resume for normal operations. All time between closing and opening will be considered emergency closure time.

### **B. COMPENSATION.**

Compensation for all employees normally scheduled to work during a closure/delayed opening period will be handled as follows for employees in pay status.

- 1.** Employees who cannot work due to a closure or delay will receive pay for the number of hours they were scheduled to work during the specified event, but not to exceed the number of hours in the employee's scheduled shift.
- 2.** Those full-time employees who are required to work during the closure or delay of the specified event will receive for each pay period worked annual leave accrual applicable to their tenure to take at a later date in addition to pay provisions of Section IV.A.3. Annual leave will accrue in the same amount of time worked.
  - i.** Employees who cannot report to work are required to notify their supervisor. Annual leave, if available, will be posted to the employee's time record for the hours scheduled to work.

- ii. Employees failing to call in will be considered on an unauthorized absence. Use of annual leave during an unauthorized absence will be at the discretion of the City Manager and department head.
- iii Sick leave cannot be used if an employee calls in unless a doctor's note is provided depending on the circumstances at the discretion of the City Manager.

3. Any compensation granted for employees who cannot work during a closure or delay is not included in overtime calculations for that pay cycle. Only hours worked during the pay cycle are included for overtime calculation.

4. An employee is not eligible for emergency closure pay if the employee is out on approved leave of any type i.e. annual leave, FMLA, etc.

## **Public Health Emergency**

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**I. PURPOSE** To provide procedures for use in COVID -19 pandemic event, or other pandemic event, as determined by the World Health Organization.

**II. SCOPE** All Employees

### **III. POLICY**

Sick employees who report to work with contagious symptoms and/or a contagious condition, as those terms are defined in this policy, may significantly impact City operations due to the potential for spreading sickness, diminished productivity, and lack of quality or attention to safety.

Employees should consider options and practices that will reduce the risk of contracting or passing the virus by observing healthy practices. Employees should also refrain from reporting to work with contagious symptoms and/or a contagious condition, so as not to spread the virus.

In the interest of maintaining a safe and healthy workplace, the City will require persons with contagious symptoms and/or a direct exposure not to report to work and/or may send employees with contagious symptoms and/or a direct exposure home.

#### **A. Contagious Symptoms and/or Direct Exposure**

Contagious symptoms and/or condition exist when:

1. An employee exhibits COVID -19 related symptoms, e.g. fever, vomiting, diarrhea, headache, cough, sore throat, runny or stuffy nose, muscle aches) or other symptoms, described by a public health organization as indicative of COVID-19 or the virus resulting in declaration of the pandemic event.
2. An employee is diagnosed with COVID-19 or specified virus.

3. An employee and/or family member/household member has recently traveled to a geographic area actively identified by the World Health Organization to present a high degree of specified virus health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory related to COVID-19 or specified virus.
4. Employee who is asymptomatic, but has had direct exposure to a person with documented COVID-19 or specified virus, as such exposure is defined by the CDC to require quarantine or has been quarantined by a governmental agency.

## **B. Workplace Requirements**

The City and its employees bear responsibility for a safe and productive workplace environment. Accordingly, an employee with contagious symptoms and/or conditions:

1. Will not report to the workplace so as not to infect other employees or members of the public.
2. Will not report to the workplace until his/her symptoms have subsided and the employee is symptom free for a minimum of 24 hours or as directed by a medical practitioner.
3. Will not report to the workplace after returning from, or after a family/household member has returned from, a geographic area actively identified by the World Health Organization to present a high degree of COVID-19 or specified virus health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory related to COVID-19 or the specified virus. In such case, the employee cannot return to the workplace until completion of the incubation period as identified by a public health organization and until the employee has been cleared with a health care provider's statement that the employee may return to work. (Such statement must be submitted to the department in advance of returning to the workplace.)
4. May be sent home, with or without the opportunity to work from home, based on observations of symptoms of COVID-19 or specified virus.

## **C. Absence Due to Contagious Symptoms and/or Direct Exposure**

An employee who has been sent home by the City and/or not reported to work due to contagious symptoms and/or condition, or who has been quarantined as defined in this policy will be compensated for hours they would normally have been scheduled to work during the absence; provided however, paid administrative leave will be authorized only when the employee submits medical documentation from a practitioner or the public health agency that the absence is related to COVID-19 or specified virus.

Employees will be compensated through paid administrative leave for the time the employee would have normally worked during a quarantine period not to exceed 14 calendar days or the time period established by CDC. In the event that an employee's absence pursuant to an approved administrative leave extends beyond the CDC established timeframe, the Department Head will require that the employee provide additional medical certification as to the employee's current condition. Any extension of paid administrative leave beyond this timeframe will require the approval of the City Manager with submission of additional medical certification similar to above requiring extended absence related to the public health emergency.

If paid administrative leave is expired, an employee requiring a prolonged absence may use any available accrued leave per the approved leave policies.

Ultimately, any prolonged absences will be addressed in compliance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

The Department Head, with approval from the City Manager, may require an employee to work from home or another private location while recuperating. This will be dependent upon consideration of factors, including the employee's position, the severity of the illness, and other safety and logistical considerations.

#### **D. Compliance**

Due to the seriousness of the ramifications of non-compliance, any violation of the policy as set forth will subject the employee to disciplinary action, up to and including termination.

This policy will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

### **Teleworking**

#### **I. PURPOSE**

To provide the option of Teleworking to eligible employees as a workplace strategy to balance organizational objectives with employee well-being. Teleworking is a means for increasing productivity, decreasing commute time, and providing an option for accommodating certain disabilities.

Teleworking is voluntary and requires cooperation and close coordination between the

Telemanager and the Teleworker. Commitment of the Teleworker is imperative and directly related to the success of the program. Teleworking is a privilege and not an employee benefit, and can be revoked at any time.

During a closure under the Emergency Closure Policy, all teleworking for nonessential personnel previously authorized under this policy is suspended for the duration of the closure. Essential personnel identified by the department director, with approval from the City Manager, will be permitted to telework in such events and follow the provisions of this policy.

#### **II. SCOPE**

Candidates for teleworking must fulfill the following criteria:

- Employee must be in a regular, full-time status for at least one year.
- Employee must have an acceptable attendance record, and a history of satisfactory performance ratings.
- Employee must have a suitable home environment. The area must be free from

distractions, have appropriate lighting and ventilation, and meet all required safety standards.

- Task(s) must be performed with employee's personal equipment/electronic devices(computers, phones,scanner/copier,etc.
- Employee must have the ability to maintain office communication at all times through voice mail and/or email with a customer, Department Head and City Manager and must be able to perform one or more measurable tasks.
- Employee must sign and abide by the Teleworking Agreement.
- Any employee designated as an essential employee and authorized to telework by the City during a declared or undeclared emergency closure.

**III. POLICY** Teleworking is the practice of allowing employees to work from home, a satellite office, or other remote work centers, rather than at an employee's standard work site.

#### **IV. PROCEDURES**

##### **A. Definitions**

**Telemanager** - is a manager that directly supervises the Teleworker. The Telemanager is responsible for evaluating the effectiveness of the program for each participant. If a problem arises that cannot be resolved, the Telemanager is responsible for termination of the teleworking agreement. The Telemanager is also responsible for providing weekly work reports.

Teleworker - is an employee that is permitted to work from their home, or other suitable location, and he or she will be responsible for adhering to the guidelines of the Teleworking Policy which includes working at least the number of hours that will be paid for that day. A Teleworker's job may require that all or part of a teleworking day be forfeited due to priorities in the office. This priority will be determined by the Telemanager.

The City is a government organization and public scrutiny should always be a concern for everyone in this program. It is imperative that the teleworker be sensitive to how the citizens perceive employee actions during a teleworking day.

##### **B. Participation**

Participation in the program must be approved by the City Manager and will be based on information provided in the Teleworking Agreement.

Basic terms and conditions of employment apply to all Teleworkers. Teleworking does not change an employee's salary or benefits, job title, or job responsibilities. Teleworking hours, vacation, compensatory time, and paid overtime must be approved in advance by the Telemanager. All policies, practices and instructions of the City remain in effect while the Teleworker is working at the remote location.

Teleworkers shall notify the Telemanager as soon as possible whenever illness or a personal emergency occurs on a Teleworking day. Sick, emergency or other leave usage shall be recorded by the Teleworker on the time record the day of occurrence. Comp Time accrual is not allowed on a teleworking day.

Teleworking is not an alternative to child or elder care and, when applicable, the teleworker must make appropriate arrangements for dependent care.

It is the responsibility of the teleworker to take all precautions necessary to secure proprietary information and to prevent unauthorized access. The teleworker is required to observe all office security practices to ensure the integrity and confidentiality of proprietary information. Steps to ensure the protection of proprietary information include, but are not limited to, use of locked file cabinets, flash drives and desks; regular password maintenance; and any other steps appropriate for the job and the environment.

Telemanagers are required to forward a report at the close of each day that documents the work completed. Failure to supply the report may result in suspension of the telework arrangement.

### **C. Equipment**

All equipment used in Teleworking will be the responsibility of the employee. The City may not provide service or maintain any equipment needed for Teleworking. Warranty and maintenance issues are the responsibility of the employee.

The specific equipment, supplies and other resources necessary for a Teleworking project or task shall be determined by consensus of the Teleworker and Telemanager. Should the equipment become inoperable or unavailable, the employee is not excused from work commitments and may be required to return to the work site.

The City will not reimburse Teleworkers for the purchase of standard office supplies normally available at the work site. It is the responsibility of the Teleworker to gather and transport all necessary items for the completion of tasks assigned for Teleworking. The City will make no provisions for providing copiers or special telephone equipment. Upon approval by the Telemanager, necessary long distance telephone call cost will be reimbursed to the employee when the required documentation is provided.



## *Appendix F*

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### ***CONTINUITY OF OPERATIONS (COOP) PLAN***



## CONTINUITY OF OPERATIONS (COOP) PLAN

### Title: Incident Response and Planning Policy

The purpose of this policy is to establish guidelines and procedures to effectively plan for, respond to, and address incidents before, during, and after they occur within our organization. This policy aims to ensure the safety of personnel, protect organizational assets, minimize disruption to operations, and mitigate potential damages to the city's reputation and stakeholders.

1) **Scope:** This policy applies to all employees, contractors, vendors, and any other individuals associated with our organization who may be involved in incident response and planning activities.

2) **Before an Occurrence: Risk Assessment:**

- a) Conduct regular risk assessments to identify potential threats, vulnerabilities, and risks to our organization's assets, infrastructure, and operations.
- b) More specifically:
  - i) Quarterly review of departmental staff and ensure contact information is correct.
  - ii) Bi-annual review of departmental procedures to include practical drills if needed.
  - iii) Bi-annual inspection of primary facility and any alternate facilities to ensure facilities are equipped with items needed for operational duties.
  - iv) Bi-annual inspection of Drive Away Kits to ensure kits are current and fully operable.
  - v) Bi-annual review of vendor information to ensure vendors are in place and adjust any fees due to contract renewals or inflation.
  - vi) Evaluate the likelihood and potential impact of identified risks to prioritize response efforts.
  - vii) Submit all changes via email to [pcalloway@cityofpowdersprings.org](mailto:pcalloway@cityofpowdersprings.org)

c) **Incident Response Planning:**

- i) Develop and maintain comprehensive incident response plans tailored to diverse types of incidents, including but not limited to cybersecurity breaches, natural disasters, physical security breaches, and operational disruptions.
- ii) Assign roles, responsibilities and train individuals or teams responsible for executing incident response plans.
- iii) Ensure clear communication channels and contact information are established and readily accessible.
- iv) c. Training and Awareness:
  - (1) You will receive regular training and awareness programs on incident response procedures, including roles and responsibilities during an incident.
  - (2) Conduct drills and exercises to assess the effectiveness of incident response plans and improve response capabilities.
- v) Training sessions will be scheduled and changes, if applicable will be discussed and forwarded via email to [pcalloway@cityofpowdersprings.org](mailto:pcalloway@cityofpowdersprings.org).

3) **During an Occurrence: Immediate Response:**

**Note: The City Manager will activate occurrences when needed.**

- a) Activate the appropriate incident response plan promptly upon detection or notification of an incident.
- b) Follow predefined procedures and protocols outlined in the COOP preparation plan.
- c) Prioritize the safety of personnel and the containment of the incident to prevent further damage or escalation.
  - i) Ensure all lines of communications are open and available as planned.
  - ii) Maintain open and transparent communication channels with relevant stakeholders, including employees, management, customers, partners, vendors, regulatory authorities, and the public, as necessary.
  - iii) Provide timely updates on the incident, including the current status, impact assessment, and remediation efforts.

4) After an occurrence complete an Incident Analysis and document as follows:

- a) Conduct a post-incident analysis to assess the effectiveness of the response and identify areas for improvement.
- b) Document lessons learned, including successes, challenges, and recommendations for future incident response planning and mitigation strategies.
- c) Update incident response plans and procedures based on the findings of the post-incident analysis.
  - i) Identify any Remediation and Recovery procedures needed.
- d) Implement corrective actions and remediation measures to address any vulnerabilities or weaknesses identified during the incident response process.
- e) Restore affected systems, services, and operations to normalcy as quickly as possible while ensuring the integrity and security of organizational assets.
- f) Monitor systems and networks for any residual effects or signs of recurrence.
- g) Submit post analysis via email to [pcalloway@cityofpowdersprings.org](mailto:pcalloway@cityofpowdersprings.org).

5) **Compliance:** All employees are required to adhere to this policy and comply with its provisions to and including but not limited to attending training sessions as requested.

6) **Policy Review:** This policy shall be reviewed bi-annually and updated as necessary to reflect changes in organizational structure, technology, regulations, or best practices in incident response and planning.

I, \_\_\_\_\_ (employee's full name) hereby confirm that I have read and understand the policy and guidelines.

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

\_\_\_\_\_  
Date



# *Appendix G*

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## *Commonly Used Forms*



## **DONATED LEAVE FORM - PART 1**

### **RECIPIENT INFORMATION**

Employee Name

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Employee No.

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Social Security No.

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Department

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By my signature below, I do hereby certify that I have met all eligibility requirements of the City of Powder Springs vacation and sick leave donation policy as set forth in the City's Donated Leave Policy. I further state that I have exhausted all earned vacation leave, sick leave, and compensatory time, which has accrued to my benefit. I also state that this request is made due a catastrophic injury or illness affecting my health or the health of one of my immediate family members, which will require the services of a licensed physician for an extended period of time, and have attached hereto, or included with this request, a physician's statement certifying the same.

**For Internal Use ONLY.**

Approved by (Printed Name):

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Approved by (Signature):

---

Approval Date:

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**DONATED LEAVE FORM - PART 2**  
**PHYSICIAN'S CERTIFICATION**

Employee Name

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Employee No.

---

Social Security No.

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Individual request regarding qualification for the Donated Leave Program specifies certain conditions. One of those conditions is that I must provide the Human Resources Director with a physician statement that states the beginning date of the catastrophic illness or injury, a description of the illness or injury, a prognosis for recovery, and the anticipated date that I will be able to return to work. In an effort to comply with that condition, I hereby request that you complete the following and return it to me as soon as possible.

**ILLNESS/INJURY INFORMATION**

Name of Illness/Injury

---

Date Illness/Injury Began

---

Description of Illness/Injury

---

---

Prognosis for Recovery

---

---

Anticipated Date of Return to Work

---

I hereby certify that the above information is, to the best of my knowledge and understanding, correct and true as of the date of the signature below.

Physician's Signature

---

Printed Name

---

Date

---

Phone

---

**DONATED LEAVE FORM - PART 3**  
**DONOR AND RECIPIENT INFORMATION**

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

Donor Employee No. \_\_\_\_\_

Donor Social Security No. \_\_\_\_\_

Donor Department \_\_\_\_\_

Number of **Vacation Leave** Hours to be Donated (Donor Must Have a Remaining Balance of at Least 80 Hours) \_\_\_\_\_

Number of **Sick Leave** Hours to be Donated (Donor Must Have a Remaining Balance of at Least 80 Hours) \_\_\_\_\_

Recipient Name \_\_\_\_\_

Recipient Employee No. \_\_\_\_\_

Recipient Social Security No. \_\_\_\_\_

Recipient Department. \_\_\_\_\_

**Certification**

I understand and certify that his donation is made voluntarily and of my own free will. I also understand that I have no further right or claim to the vacation and/or sick leave time that I am donating.

Donor's Printed Name \_\_\_\_\_

Donor's Signature \_\_\_\_\_

Director's Printed Name \_\_\_\_\_

Director's Signature \_\_\_\_\_

**For Internal Use ONLY**

Received by (Printed Name): \_\_\_\_\_

Received by (Signature): \_\_\_\_\_

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

Date Entered into MCSJ \_\_\_\_\_



## *Appendix H*

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### *Definitions*



For the purposes of these policies, the following words and phrases shall have the respective meanings ascribed to them in this chapter:

**Adverse Action** – Disciplinary action taken against an employee which results in suspension without pay, salary reduction, demotion or dismissal.

**Appeal Hearing Officer** – A municipal court judge appointed by the City Manager to hear the appeal of an adverse action against an employee.

**Applicant** – Any person who has filed an application for employment with the City in accordance with the provisions of these policies.

**City Manager** – The person who is the chief administrative officer of the City, and who has, amongst other authorities, the authority to appoint and discharge employees as prescribed the City Charter.

**Demotion** – The movement of a regular or working test employee to a position with a lower salary than that of the previous position and salary held by the employee.

**Designee** – The person or persons to whom the City Manager delegates certain authority for the administration of City business.

**Dismissal** – The discharge or involuntary removal of an employee from employment with the City.

**Exempt Employee** – An employee in a position who is not required to receive overtime compensation for hours worked in excess of the standard workweek or specified work period (according to the Fair Labor Standards Act (FLSA - 29 USC Chapter 8)).

**Full-time Employee** – An employee in a position with a standard workweek of forty (40) hours under normal circumstances, except for employees in designated public safety positions who may have longer standard workweeks.

**Grievance** – A complaint or dispute by an employee alleging:

1. That the employee's employment or productivity has been adversely affected by unfair treatment;
2. The existence of unsafe or unhealthy working conditions;
3. The erroneous or capricious application or interpretation of City policies and procedures; or,
4. Unlawful discrimination.

**Hours of Work** – Any normal workday in which a City employee actually works or would work under ordinary circumstances. Saturday and Sunday shall not be considered a workday unless the employee is scheduled on a regular basis to work Saturday or Sunday.

**Human Resources Director** – The individual designated by the City Manager to establish and administer personnel policies in accordance with polices established by the Mayor and the Council on a daily basis.

**Immediate Family** – This definition includes the spouse, parent, son, daughter, sister, brother, grandparent and grandchild of an employee. This definition also includes any of these immediate family members of a step-, in-law, foster or adoptive relationship to the employee.

**Merit Increase** - An increase in pay based on an employee's job performance.

**Non-Exempt Employee** – An employee in a position who is subject to the overtime regulations of the Fair Labor Standards Act.

**Open Competitive Vacancy** – A city position wherein announcement of a vacancy and acceptance of applications is solicited from current City employees and from the community at large.

**Overtime** – Time worked by non-exempt employees in excess of the standard workweek (as defined below).

**Part-time Employee** – Any employee in a position working fewer than forty (40) hours per week on a normal basis. A part-time employee shall be further classified as one of the following defined categories:

1. **Part-time Regular employee:** any employee in a position that has a standard work week equal to greater than twenty hours (20) per week but less than forty (40) hours per week, and whose term of employment is anticipated to exceed six (6) months.
2. **Part-time Temporary employee:** any employee who works less than twenty (20) hours per week or works less than forty (40) hours per week in a position that is anticipated to be for a period of less than six months.
3. **Part-time Occasional employee:** any employee who works forty (40) hours or fewer per week and is considered seasonal or on call.

**Promotion** – The advancement of an employee to a vacant position with a higher salary than the previous position and salary held by the employee.

**Promotional Competitive Vacancy** – A City position in which an announcement of a vacancy and acceptance of applications is limited to employees of the City only.

**Regular Employee** – Describes the status of an employee who has been hired and earned regular status after satisfactorily completing the working test period (as required for regular, full-time employees).

**Review Hearing** – A hearing in which a full-time regular employee has the opportunity to refute the charges and the adverse action proposed against the employee to the City Manager or designee.

**Separation** – The resignation, constructive resignation or dismissal of an employee.

**Standard Workweek** – For City employees not considered “exempt” under the Fair Labor Standards Act, the standard workweek is forty (40) hours in a seven (7) day, 168 hour week. The Public Safety department may establish separate work periods based on FLSA regulations for their non-exempt employees.

**Suspension** – Means the temporary removal of an employee from the City for a period not to exceed thirty (30) working days in one (1) calendar year (either with or without pay).

**Temporary Employee** – An employee in a position for a limited duration of time, normally not to exceed one (1) year.

**Transfer** – The lateral movement of a regular or working test employee to another position with the same pay rate as that of the employee's former position.

**Working Test Period** – A twelve (12) month period of time in which a new employee or a promoted employee is evaluated on their work performance in the new position.

