

City of Glasgow
Personnel Policies and Procedures Manual



2023 Edition

NOTICE

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



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Section 1 – Introduction

1.1 About the Personnel Policies and Procedures Manual

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

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

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

We believe:

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

We embrace:

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

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

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

1.2 City Government and Organization

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

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

The distinguishing characteristic of the mayor-council form of city government is the clear separation of powers between the executive (mayor) and the legislative (city council) branches of government. All executive and administrative authority is vested by statute in the mayor. [KRS 83A.130(3)]. The city council is expressly prohibited from performing any executive or administrative functions unless those functions have been assigned to it by statute. [KRS 83A.130(11)]. With few exceptions, the council is restricted to performing the legislative function. The executive branch and the legislative branch are intended to be

separate but coequal branches of government. It is very similar to the structure of the state government where the executive/administrative authority is vested in the governor and the council is vested in the General Assembly.

Powers and Duties of the Mayor

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

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

If the mayor delegates their executive and administrative powers, duties, and responsibilities to subordinate officers and employees, it must be done by written executive order.

The mayor may not delegate their executive and administrative powers, duties, and responsibilities to a member of the city council, except when required to do so by statute. The doctrine of separation of powers, which is the key feature of the mayor-council form of government, and the specific language of the statutes compel this conclusion. In support of this conclusion, KRS 83A.130(11) prohibits the council from performing any executive function except those functions assigned to it by statute. Furthermore, KRS 83A.130(7) refers to the delegation of powers to subordinate officers and employees. Members of the city council are not "subordinate" to the mayor. The members of the city council have, as elected officers, a coequal status with the mayor. Therefore, when the mayor is unable to perform their executive or administrative duties because of temporary absence or disability, the responsibility for performing those functions should be delegated to a nonelected officer such as the city clerk/treasurer, police chief, or to an employee.

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

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

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

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

Powers and Duties of the Council

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

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

- Establish by ordinance all appointed offices and the duties and responsibilities of those offices.
- Enact all codes, rules, and regulations for the general public's health, safety, and welfare.
- Provide sufficient revenues to operate city government through the adoption of an annual budget ordinance and by levying all taxes and establishing all fees and charges for city services.
- Establish by ordinance the compensation to be paid to all elected and appointed officers and employees of the city. [KRS 83A.070].
- May investigate all activities of city government and may require any city officer or employee to prepare and submit sworn statements regarding the performance of their official duties. If an office, department, or agency under the jurisdiction of the mayor is involved, written notice of the council's action must be provided to the mayor who then has the right to review any statement before its submission to the council, and to appear on behalf of the office, department, or agency in the course of the investigation. [KRS 83A.130(13)].
- May disapprove regulations promulgated by the mayor.
- May override mayoral vetoes by the affirmative vote of one more than a majority of the membership of the entire council. If the council wishes to override a veto, it must do so by the second regular meeting following the return of the ordinance.
- May appoint a new mayor or council member if a vacancy occurs in the office. [KRS 83A.040].
- May remove elected officers for misconduct, inability, or willful neglect of office. [KRS 83A.040(9)].
- May change the manner of electing city officers by adopting the nonpartisan primary election process. [KRS 83A.050(2)].
- May divide the city into wards for the purpose of electing council members. [KRS 83A.100].
- Approve the appointment of nonelected city officers. [KRS 83A.080(3)].
- May call special meetings upon written request of a majority of the council.

1.3 Effect, Amendment, and Application of Manual Policies

- (1) The City of Glasgow Personnel Policies and Procedures Manual contains information about the city's employment policies and procedures and an overview of the city's benefits. For specific information about employee benefits, employees should refer to the plan documents, which are controlling. The policies and procedures in this manual are guidelines only. The city reserves the right to interpret and administer the provisions of this manual as needed. The provisions of this manual will repeal and replace all previously adopted policies and procedures governing employment with the city.
- (2) Except for the At-Will Employment Policy, which can only be changed in writing by the mayor, this manual and any of the policies and procedures contained herein are subject to change at the discretion of the city. The city may amend or terminate any policy or procedure contained in this manual at any time with or without notice. However, the city will communicate any changes to all employees in a timely fashion.
- (3) Each employee should read and become familiar with the information contained in this manual. Failure to comply with the city's policies or procedures may result in discipline up to and including termination.
- (4) The provisions in this manual are not intended to in any way create any contractual obligations with respect to employment.
- (5) These policies and procedures are intended to cover most personnel problems, actions, and issues which may arise. Those not specifically covered will be interpreted by the mayor and such interpretation will be in concert with the spirit and letter of these policies and procedures. In addition, the mayor may write administrative memoranda to interpret or clarify existing policies. These memoranda will have the force of policy and will be filed with the personnel policies and procedures.
- (6) The policies contained in this manual apply to all nonelected officers and employees of the city regardless of their departmental assignment or primary responsibilities. These policies may also apply to volunteers, elected officials, and members of boards or commissions as required by state and federal laws or as noted within the policy.

1.4 Employee Manual

Human resources will ensure that a current copy of the manual is prepared and distributed to all new and current employees. All employees are expected to read and sign the **Manual Acknowledgement Form (HR-104)** within 30 days of employment or within 30 days of any amendment to the manual. Human resources will maintain a copy of the Acknowledgment Form in the employee's personnel file pursuant to the [Kentucky Department of Libraries and Archives \(KDLA\) Record Retention Schedule](#).

1.5 Administration of the City Personnel System

- (1) The city's policies are applied and enforced by the mayor and supervisory employees, including department directors and managers. The city expects supervisory staff to foster a working environment where employees take the primary role in their own professional growth and development. Supervisory employees should provide

continuous feedback to their employees regarding performance and should immediately address any potential infractions of these policies with employees.

- (2) To ensure fairness and consistency in all personnel matters, the city has designated human resources to be responsible for general oversight of the city's personnel system and for all centralized personnel matters such as the recruitment and selection of employees, revision of job descriptions, wage and salary schedules, administration of benefit programs, and maintenance of personnel records.
- (3) Notification to human resources and the mayor and compliance with the procedures established by the city are required prior to a department supervisory employee or other employee conducting any interview for potential employment or internship, making any offer of employment or internship, or making any modifications to the compensation or benefits of employees. No supervisory employee or other employee will alter, suspend, or fail to enforce or adhere to the policies contained in this manual.

1.6 Conflicting Policies

In the event of any conflicting policies, rules, or regulations, those that apply will be based on the following in descending order: Kentucky Revised Statutes (KRS); City of Glasgow Code of Ordinances; the City of Glasgow Personnel Policies and Procedures Manual; and any departmental policy and procedures manual or written directives.

1.7 Severability

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

Section 2 – Hiring and Employment

2.1 At-Will Employment

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

2.2 Equal Opportunity Employer

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

2.3 Americans with Disabilities Act (ADA)

- (1) The city will offer equal employment opportunities for qualified individuals who may have a physical or mental disability, including medical conditions related to pregnancy, but who can still perform the essential job functions with or without reasonable accommodations. The city will provide reasonable accommodations to individuals qualifying under ADA only when that accommodation does not create an "undue hardship" to the city.
- (2) Any employee who feels they may need an accommodation in order to perform their job functions should notify their immediate supervisor in writing using a **Request for Accommodation Form (HR-117)**. Because analysis under the ADA requires an open dialogue between the employee and the employer, the employee and the supervisor are encouraged to discuss the situation openly and involve the mayor and other necessary staff as appropriate.
- (3) Medical information may be requested by the city to assist in understanding the employee's capabilities and limitations.

2.4 Immigration Reform and Control Act (IRCA)

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

2.5 Application and Advertisement of Vacant Positions

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

- (1) The city's open application policy allows persons interested in employment with the city to complete an Employment Application Form at any time regardless of whether a vacancy exists, indicating the position(s) applicable. Completed Employment Application Forms will be considered active for a period of six months.
- (2) The city may advertise all vacant position(s) in a newspaper or other form of media. All announcements will include such information as where to apply, deadline for applications, pay range for the position, summary of duties, and position qualifications. All written announcements of vacant position(s) will also contain the following statement, "An Equal Opportunity Employer." Written announcements of vacant position(s) also may include, "Any applicant who needs an ADA accommodation in the employment selection process will request the accommodation from human resources."

2.6 Promotions, Transfers, and Temporary Appointments

- (1) Vacancies may be filled by transfer or promotion from within the city. Employees may apply for the position by submitting a completed Employment Application Form to their supervisor or human resources. An employee may be transferred or promoted from one position to another only if the employee has the qualifications for the higher position. The same procedures as those authorized for ascertaining qualifications for initial

appointment to a position will be followed. All pertinent documentation of said transfer or promotion will be entered into the employee's personnel file.

- (2) In the case where vacancies cannot be filled from within city service or from an eligibility list, temporary appointments may be made by the mayor for a period not to exceed six months. In cases where the temporary appointment is to a nonelected office position, appointments are made by the mayor with approval by the city council.
- (3) Temporary appointments will terminate as soon as a qualified candidate can fill the position in question in accordance with personnel hiring procedures.

2.7 Hiring and Selection

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

2.8 Employment of Family Members

Pursuant to the city's [Ethics Ordinance, No. 2021-2983](#):

- (1) Generally, a family member of an employee will be eligible for employment with the city if no potential conflicts in supervision, safety, security, or morale exist.
 - a. No officer or employee of the city or a city agency will advocate, recommend, or cause the employment, appointment, promotion, transfer, or advancement of a family member to an office or position of employment with the city or a city agency.
 - b. No officer or employee of the city or a city agency will supervise or manage the work of a family member.
 - c. No officer or employee will participate in any action relating to the employment or discipline of a family member, except that this prohibition will not prevent an elected or appointed officer from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.
 - d. The prohibitions in this section will not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of this ethics ordinance.
 - e. The mayor will notify the Ethics Board within a reasonable time when any conflict under this policy is reported or identified.
- (2) As used in this policy, the term “family member” means spouse, domestic partner, parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

2.9 Background and Reference Checks

- (1) It is the policy of the city to perform pre-employment background checks pursuant to KRS Chapter 335B. The purpose of performing these checks is to determine and/or confirm, within appropriate legal and professional limits, the qualifications and suitability of a candidate for the employment position for which the candidate is being considered. Many job duties involve working closely with other employees and/or the public, significant city-related driving, access to expensive safety-sensitive tools and machinery, access to confidential information, or access to financial accounts. Therefore, criminal records may exclude candidates with certain criminal convictions that are determined to be job-related, as discussed below. This policy will help ensure that employment-related decisions utilizing pre-employment background checks are made in accordance with applicable law.
- (2) The city will perform pre-employment background checks on fire, police, communications, and parks and recreation candidates for employment once they have been offered the employment position by using the **Background Check Release Form (HR-105)**. Review will be limited to information regarding only convictions that are determined to be job-related and consistent with business necessity as discussed

below. In addition, if an employee changes positions within the city, an additional criminal background check may be required.

- (3) Candidates for employment within the police and fire department may be subject to different requirements for pre-employment background checks. Please refer to the police department and fire department policies and procedures for more information.
- (4) The city will also perform additional background checks on candidates for any position with the city's youth camps, including youth recreational leagues and programs, pursuant to KRS 194A.382 and 902 KAR 10:040. The city is prohibited from employing, contracting with, or allowing volunteer work from individuals who have been convicted of a criminal offense against a minor or a sex crime, who is a violent offender, or who has been found by the Cabinet for Health and Family Services (CHFS) or a court to have abused or neglected a child. As a condition of employment or involvement in the programs, the law requires:
 - a. A national and state criminal background check.
 - b. A letter from CHFS stating the employee, contractor, or volunteer is clear to hire based on no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records.
- (5) The city requires that employees identify any arrests or criminal convictions and complete a self-disclosure form. The city will individually evaluate any arrest or criminal conviction disclosed by an employee prior to deciding that employee's suitability for initial employment or continued employment.
- (6) In addition to KRS Chapter 335B, the city complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal employment opportunity laws, and all other applicable legal authority that affect the performing of pre-employment background checks.
- (7) The results of a pre-employment background check are confidential and are only to be shared with employees of the city on a strict "need to know" basis.
- (8) Under no circumstances is having a criminal history or conviction an automatic exclusion to a candidate's eligibility for employment.
- (9) All candidates are required to sign appropriate authorizations and consents to allow the city to perform any pre-employment background checks.
- (10) Background checks are conducted in accordance with all applicable federal, state, and local laws regarding criminal history information that may be obtained and/or used by the city for employment purposes.
- (11) This policy does not override city policy that candidates providing false or misleading information on their application, during an interview, or at any time during the hiring process, may be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed for the city to make a hiring decision.
- (12) Prior to taking any adverse action as to a job candidate, appropriate pre-adverse and adverse action notices will be sent to the candidate pursuant to federal and any state FCRA laws together with a copy of the report.
- (13) All candidates will be individually reviewed by the mayor and the appropriate position supervisor. Decisions will be made with respect to employment based on the totality of

the candidate's qualifications and the relevant results of the pre-employment background check.

- (14) In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment, or employee's eligibility for continued employment, is based upon the following factors:
- a. The nature and gravity of the offense for which the applicant or employee was convicted.
 - b. The time that has passed since the conviction.
 - c. The nature of the job held or sought.
- (15) The city will only consider final adjudications of guilt, i.e., convictions and guilty pleas, for the potentially disqualifying offenses listed below, or other offenses determined to be job-related. Convictions that have been expunged, discharged, or otherwise vacated will not be considered. Various states use different terminology regarding convictions. Therefore, if it is unclear whether a certain offense resulted in a conviction, the city attorney should be consulted.
- (16) A criminal history or conviction does not automatically preclude a candidate's eligibility for employment. To assist supervisors and the mayor in reviewing criminal records, below is a list of convictions that may disqualify an applicant or employee from employment with the city:
- a. Crimes Involving Violence, Theft, or Drug Distribution/Trafficking: Certain crimes involving violence, theft, or drug distribution/trafficking have been determined to be job-related to all positions within the city. Disqualification of applicants or dismissal of employees with certain convictions outlined below is consistent with federal and state requirements.
 1. Violent Crimes: The city has determined that felony convictions within the past seven years for crimes involving violence may disqualify an applicant or employee because of workplace violence concerns, the desire to provide a safe workplace for employees and customers, and because many of the city employees have significant interaction with customers and/or coworkers on a day-to-day basis.
 2. Theft or Property-Related Crimes: The city has determined that felony convictions within the past seven years for crimes involving theft, dishonesty, breach of trust, or destruction of property may disqualify an applicant or employee due to access to equipment and tools, inventory, proprietary information, and/or financial or confidential information.
 3. Drug Distribution/Trafficking Crimes: The city has determined that felony convictions within the past seven years for crimes involving drug distribution or trafficking may disqualify an applicant or employee because these convictions also indicate a general disregard for federal, state, or local laws.
 4. The city does not generally disqualify applicants or dismiss employees for drug possession or use convictions. This does not affect the application of its Drug- and Alcohol-Free Workplace Policy.
 - b. Computer Crimes: Because of access to city confidential and proprietary information, customer information, financial information, and/or computer systems, the city has determined that felony convictions within the past seven

years for computer-related offenses are job-related for management and office positions. Applicants or employees in these job categories who have been convicted of such computer crimes present an unacceptable risk to the city and may therefore be disqualified absent mitigating circumstances.

- c. Driving Crimes: To reduce potential city liability, the city must review applicant and employee driving records for jobs where the job duties include significant amounts of unsupervised, city-related driving. The city will comply with all federal, state, and local requirements regarding motor vehicle record checks, including but not limited to obtaining consent from the applicant or employee prior to requesting the record and complying with federal and/or state FCRA requirements. Felony convictions within the past seven years for vehicle-related offenses, including but not limited to driving under the influence (DUI) and driving while intoxicated (DWI), have been determined to be job-related and present an unacceptable risk to the city. Therefore, applicants and employees in positions that involve business-related driving who have been convicted of such offenses may be disqualified absent mitigating circumstances.
 - d. Individualized Assessment: Before any applicant or employee is disqualified based on their criminal history, the applicant or employee will be given an opportunity to provide individual information regarding the circumstances of their criminal history. Human resources will request that the applicant or employee submit a written, signed statement regarding their criminal history. The mayor and the position supervisor will consider all information provided by each applicant or employee to determine whether the information provided sufficiently mitigates the circumstances of the disqualifying conviction pursuant to KRS Chapter 335B.
- (17) Credit checks are generally not part of the background check process and are not used to make hiring decisions. In certain positions requiring treasury functions and accounts payable/receivable, a credit check may be performed due to the nature of the responsibilities for such jobs, including access to city accounts, cash, and the ability to be bonded. Each applicant's or employee's credit history will be reviewed in the context of all other available information regarding the applicant or employee, to determine whether their credit history poses an unacceptable risk to the city. Such applicants or employees will be provided with an opportunity to explain their credit history prior to a final determination.

2.10 Medical Examinations

- (1) In reviewing applicants' qualifications for certain positions and ensuring that currently employed workers are fit and capable of performing the essential functions of their positions, the city requires individuals to undergo physical examinations, which can include drug tests.
- (2) The general purpose of these examinations is to determine whether the individuals being tested are physically able to perform the essential functions of the job in question without creating a significant threat to the safety or well-being of the individual, other employees, or members of the public. These examinations and tests are conducted on a nondiscriminatory basis and conform with the requirements of the ADA and other federal, state, and local laws guaranteeing fair treatment and equal employment opportunities to individuals with disabilities and members of other protected groups.

- (3) Applicants for certain positions are required to undergo a post-offer physical examination that evaluates their fitness and ability to perform the essential functions of the positions for which they are being considered. All conditional offers of employment extended to candidates who are asked to undergo a physical examination are contingent on satisfactory completion of this requirement within the scheduled period.
- (4) In certain situations, the city can require currently employed workers to undergo a physical examination that evaluates their fitness and ability to perform the essential functions of their position.

2.11 Employee Bonding

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

2.12 New Employee Orientation

- (1) An orientation may be made available to all new employees as soon as possible after their first day of employment.
- (2) A copy of the employee manual will be made available to all employees in each department. A signed **Manual Acknowledgement Form (HR-104)** of the original employee manual and any revisions thereof will be required of all employees subject to these policies. The signed statement will be maintained in the employee's personnel file and retained pursuant to the KDLA Record Retention Schedule.
- (3) All new hires will be given a benefits package if they qualify. Human resources will cover the benefits package with the employee and give them a due date when the package must be turned in to qualify for the benefits package. Failure to submit the package on the specified date may render the employee ineligible for some benefits.
- (4) The new employee's schedule and job description will be discussed. Human resources will use the **Job Description Review and Acknowledgment Form (HR-106)** to ensure the employee understands expectations and is able to meet the physical requirements of the job. This form will be signed and placed in their personnel file.
- (5) Human resources will ensure that all required state and federal forms are completed and placed in their personnel file prior to the employee starting any physical work. All required information will then be filed with the federal, state, and local governments.

2.13 Introductory Period for Police and Fire

- (1) Police officers and firefighters will serve an introductory period of 12 months. If an officer or firefighter is required to complete basic training to receive certification, the introductory period will begin after successful completion of basic training.
- (2) Completion of the introductory period in no way alters the at-will status of the employee.

- (3) While serving under the initial introductory period, police officers and firefighters may be dismissed at any time without the right of appeal unless otherwise provided by law.
- (4) This introductory period has no effect on the accrual or use of sick or vacation leave.
- (5) Performance of police officers and firefighters will be evaluated regularly.

2.14 Job Descriptions

- (1) Job descriptions prepared and maintained for every position are one of the most important documents to ensure effective hiring practices and to provide equal employment opportunity to all qualified individuals. The following procedures are designed to ensure the accuracy, completeness, timeliness, and fairness of the job descriptions:
 - a. Annually human resources, with the assistance of the supervisors, will review the city's job descriptions to ensure that they are accurate, complete, and up to date.
 - b. Whenever possible, the supervisor should seek employee input in reviewing the description's accuracy and completeness.
 - c. The job descriptions should contain information that accurately reflects each position's essential functions, duties, responsibilities, purpose, working conditions, and reporting relationships as well as the knowledge, skills, and abilities required of employees.
- (2) Each time a job description is updated, human resources will use the **Job Description Review and Acknowledgment Form (HR-106)** to ensure the employee understands expectations and is able to meet the physical requirements of the job. This form will be signed and placed in their personnel file.

2.15 Continuous Feedback on Employee Performance

- (1) Employee performance will be evaluated by supervisors on a continuous basis.
- (2) Supervisors will coach employees by recognizing positive performance and providing constructive feedback for improvement. Supervisors will also regularly discuss employee progress toward their annual goal(s).
- (3) Supervisors will promptly provide appropriate feedback following the employee's performance. Supervisors will then document these discussions on the **Continuous Feedback Form (HR-107)**. The form will remain in the employee's personnel file.
- (4) For specific policies regarding evaluations for sworn police officers, refer to the [Glasgow Police Department Standard Operating Procedure 16.1 Performance Evaluations](#).

2.16 Record Retention

The city will maintain all city records pursuant to the [KDLA Record Retention Schedule](#).

2.17 Personnel Records

- (1) A personnel file will be maintained for each city employee by human resources. All changes in the status of employees will be recorded in these files, which will be retained and maintained in accordance with applicable state and federal laws.
- (2) The personnel file will include:
 - a. Employee's name, permanent address, and phone number.
 - b. Position title.
 - c. Completed application form.
 - d. Hiring date.
 - e. Departmental assignment.
 - f. Salary.
 - g. All changes in status as a city employee.
 - h. Whatever additional information city ordinances, other governing laws, or the city may require.
- (3) Information regarding the medical condition or history of an employee, including drug test results, will be collected and maintained on separate forms and in separate confidential medical files subject to disclosure only as permitted by law.
- (4) The I-9 form will also be kept in a separate file in alphabetical order.

2.18 Change in Personal Information

- (1) It is the responsibility of each employee to promptly notify human resources in writing of any changes in dependent or deduction related information. Other information such as personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, educational accomplishments, and similar status reports should be updated in ADP and kept current.
- (2) For necessary changes to be made without penalty, changes of marital status and dependents must be made **within 30 days of the qualifying event**.

2.19 Access to Personnel Files

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

2.20 Job References

- (1) All requests for job references and inquiries regarding an individual's employment with the city will be forwarded to human resources for an appropriate response. Human resources will consult with the mayor and may permit the employee receiving the request to respond, but human resources will review any response before it is finalized. This section will not prohibit an employee from being listed as a reference for an individual.
- (2) The city's policy on job references is to give information on the employee's position, salary, and beginning and ending dates of employment. The law may also require disclosure of incidents of workplace violence involving the employee to a potential employer.

2.21 Disciplinary Practices/Procedures

- (1) The city seeks to encourage employees to change problem behavior rather than focusing on punitive measures as a solution. When appropriate, city supervisors may use the following disciplinary procedures, depending on the severity or frequency of the offense or problem behavior. Supervisors may use any of these disciplinary methods at any time. This list does not require a progressive disciplinary methodology to be used by supervisors:
 - a. Verbal warning, reprimand/coaching, or counseling by a supervisor.
 - b. Written reprimand/counseling by a supervisor.
 - c. Suspension with or without pay.
 - d. Demotion and/or reduction in pay.
 - e. Termination of employment.
- (2) Supervisors using the disciplinary procedures outlined in section (1) of this policy will:
 - a. Document any disciplinary session or conference conducted for the purposes of correcting behaviors that are in violation of the policies contained in this manual or are conducted with the intent to correct reoccurring issues related to employee performance on the **Disciplinary Form (HR-103)**.
 - b. Provide a copy of any written documentation related to the use of disciplinary procedures to human resources for placement in the employee's personnel file.
- (3) For police officers that have completed the introductory period, the provisions of KRS 95.450 will regulate discipline for any internal, general personnel issue. Additionally, for police officers that have completed the introductory period, the provisions of KRS 15.520 will regulate discipline for any external complaint filed against a police officer or any violation of law enforcement procedures.
- (4) The provisions of KRS 95.450 will regulate discipline of fire/EMS department personnel that have completed the introductory period.

2.22 Demotion

- (1) An employee may be demoted upon recommendation of a supervisor and with the approval of the mayor.
- (2) The provisions of KRS 15.520 will regulate demotions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures. Additionally, the provisions of KRS 95.450 will regulate demotions of officers in the police department who have completed the introductory period when KRS 15.520 does not apply.
- (3) The provisions of KRS 95.450 will regulate the demotion of employees in the fire/EMS departments after the completion of the introductory period.
- (4) All pertinent documentation of demotions, including the **Disciplinary Form (HR-103)**, will be entered into the employee's personnel file.

2.23 Suspension

- (1) The department director may:
 - a. Suspend the employee with pay until the mayor reviews the violation, provided the mayor has delegated this authority to the supervisor by executive order in accordance with KRS 83A.
 - b. Request in writing on the **Disciplinary Form (HR-103)** that the mayor suspend the employee with or without pay. The request will include the reason(s) for the suspension, along with details of previous disciplinary action regarding the employee.
- (2) The mayor may suspend an employee with or without pay for any period up to and including four calendar weeks, depending upon the severity of the offense; however, a maximum time limit will not apply when an employee is suspended with or without pay due to an investigation of an alleged offense.
- (3) The suspended employee will be notified of the suspension in writing. The notice will include the reason(s) for and duration of the suspension, if known.
- (4) Employees suspended without pay for a period of one calendar month or more will forfeit fringe benefits, including accrual of sick and vacation leave, as well as the city's contribution to any insurance benefits during the suspension.
- (5) If after an investigation the mayor finds that the suspension was not warranted, the employee will be reinstated to their position with back pay and benefits.
- (6) The provisions of KRS 15.520 will regulate suspensions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures. Additionally, the provisions of KRS 95.450 will regulate suspensions of officers in the police department who have completed the introductory period when KRS 15.520 does not apply.
- (7) The provisions of KRS 95.450 will regulate the suspension of employees in the fire/EMS departments after the completion of the introductory period.

- (8) All pertinent documentation of said suspension will be entered into the employee's personnel file.

2.24 Voluntary and Involuntary Termination of Employment

- (1) The mayor has the authority to appoint and remove all city employees, except as otherwise provided by statute, ordinance, or contract. Statutes that provide otherwise regarding the termination of employment include:
- a. For firefighters, KRS 95.450 states that the employment of any member of the fire department who has completed the introductory period may not be terminated for any reason other than inefficiency, misconduct, insubordination, or a violation of law or the rules adopted by the city; and only after charges are preferred and a hearing conducted by the city in the manner prescribed by KRS 95.450.
 - b. For police officers:
 - 1. KRS 15.520 applies to police officers that have completed the introductory period, and only when involving an external citizen complaint or a violation of law enforcement procedures, requires a hearing conducted by the city in the manner prescribed by KRS 15.520.
 - 2. For any internal, general personnel issue when KRS 15.520 does not apply, KRS. 95.450 will apply. KRS 95.450 states officers who have completed the introductory period may not be terminated for any reason other than inefficiency, misconduct, insubordination, or a violation of law or the rules adopted by the city; and only after charges are preferred and a hearing conducted by the city in the manner prescribed by KRS. 95.450.
 - c. For non-elected city officials, KRS 83A.080 requires a written reason be provided to the non-elected city official upon termination.
- (2) Employees also have the right to terminate their employment at any time and for any reason. The city asks that they provide a written notice at least two weeks prior to their intent to leave in order to assist the city in the smooth transition of their job duties.
- (3) In the event of the termination of their employment for any reason, employees must return all property of the city including uniforms, keys, credit cards, mobile phones, computer software and hardware, proprietary and confidential materials, reports, and any other city property that may be in their possession. This property must be returned prior to the last day of their employment. If an employee ceases to be employed during the year and does not return city property by the last day of employment, the employee must pay to the city the value of the city property. If possible, the value of the unreturned property will be deducted from the nonexempt employee's final paycheck if the deduction does not take the employee's pay below minimum wage.
- (4) All pertinent documentation of said termination will be entered into the employee's personnel file.

2.25 Exit Interview

All employees may be asked to complete an exit interview with the mayor or their designee upon termination of employment. This interview will enable the city to obtain information regarding why the employee resigned. The interview will also allow the city an opportunity to

cover information for the employee on insurance, retirement, any other benefits, and for the return of city property, in addition to obtaining a forwarding address (if necessary), and any other required information.

2.26 Layoffs (Reduction-in-Force)

- (1) The mayor may lay off an employee or employees because of lack of work or funds. The order of layoffs will be determined by the needs of the city.
- (2) Consideration will be given to both the seniority and merit of persons being considered for layoff.
- (3) Temporary employees and seasonal employees will be laid off before full-time employees within class(es) affected by layoff.
- (4) The police department and fire department will follow the requirements in KRS 95.440.
- (5) The mayor will notify the employee(s) of the layoff in writing, as soon as possible, prior to the layoff. The notice will explain the reason(s) for and duration of the layoff, if known, and a copy of the layoff notice will be placed in the employee's personnel folder.
- (6) An employee who has given satisfactory service and is laid off may be eligible for reemployment in other positions if they meet the qualifications for the position and if the position is vacant.

Section 3 – General Employment Policies and Rules

3.1 Standards of Performance and Conduct

- (1) Each employee is a representative of the city, both internally with coworkers and externally with citizens, contractors, business associates, affiliates, and others. As a representative of the city, each employee is expected to act professionally, honestly, ethically, courteously, and with integrity in all business transactions and interpersonal interactions while at work or in any performance of an activity on behalf of the city.
- (2) The city expects all employees to conduct themselves in a professional, mature, and lawful manner. Employees must comply with established rules, regulations, policies, procedures, and directives. Failure to do so will result in disciplinary action. To avoid misunderstandings about the types of conduct that are considered unacceptable, a non-exhaustive list of specific infractions is provided below purely for informational purposes as a general guide for employees:
 - a. Unexcused tardiness.
 - b. Unexcused and excessive absenteeism.
 - c. Failure to perform an assigned task, meet a deadline, or otherwise follow an instruction or directive.
 - d. Insubordination or willful refusal to follow instructions, rules, regulations, policies, or to accept assignments.
 - e. Failure to follow workplace safety procedures and rules, such as wearing of PPE, proper use of equipment and chemicals, proper use of guards, etc.
 - f. Misuse of leave time.
 - g. Intentional or unintentional violations of the policies and procedures in this manual.
 - h. Inability to perform duties or requirements of the job because of the loss of necessary licenses or other requirements.
 - i. Discourteous behavior toward the public or other employees.
 - j. Theft or embezzlement of city property or assets.
 - k. Use, possession, sale, or transfer of illegal drugs, or being under the influence of illegal drugs in any manner that may impair the employee's ability to perform assigned duties or that may adversely affect the city's business or reputation.
 - l. Personal behavior, whether on or off duty, which discredits the city and is likely to damage the public reputation of the city.
 - m. Falsification of records.
 - n. Invasion of another's privacy.
 - o. Assaulting or fighting.
 - p. Conviction of a serious criminal offense which jeopardizes or is injurious to the city's property and security, its public reputation, the interests of other employees, or which is incompatible with the due and faithful discharge of duties and responsibilities.
 - q. Sexual or nonsexual harassment.

- r. Horseplay or pranks which threaten the safety and security of the workplace or are offensive to other employees.

3.2 Workplace Safety

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

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

3.3 Reporting Work-Related Accidents

- (1) Employees are required to immediately report any work-related accidents, illnesses, or injuries. The proper reporting of such matters is critical to ensure that an employee receives all benefits to which they are entitled under the Kentucky Workers' Compensation Act.
- (2) For the employee's protection, job-related injuries, accidents, or illnesses must be reported the day that they occur, unless extenuating circumstances prevent the employee from reporting within that time frame.
- (3) The employee must call the "Company Nurse" on the Injury Hotline at **855.339.1889**.
- (4) The department director, as well as human resources, will be notified of all accidents involving city employees and/or city equipment as soon as possible, but in no event later than the next workday.
- (5) Accidents involving either city-owned vehicles or personal vehicles being operated for city business will be reported to the police department for investigation.
- (6) The city places great importance in this policy. All employees are obliged to comply. Any employee that is discovered to have been aware of a serious accident and failed to report it will face appropriate disciplinary consequences.

3.4 Open Door Policy – Complaint Procedure

- (1) The City of Glasgow encourages all employees and volunteers to meet with their immediate supervisor, any supervisor they feel comfortable with, or the executive authority, to discuss any employment issues or concerns that they may have.
- (2) The city is committed to maintaining this Open Door Policy, where honest discussion of employee/volunteer concerns can take place in a safe and supportive environment.
- (3) Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that the employee believes is detrimental to them or to the city, they should bring their concerns to the attention of a supervisor or the mayor.
- (4) Employees who wish to submit a complaint or concern in writing may use the **Complaint Form (HR-108)** for this purpose.

3.5 Sexual and Nonsexual Harassment

- (1) Sexual and nonsexual harassment of any kind is absolutely prohibited and will not be tolerated. Sexual and nonsexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, and illegal.
- (2) Sexual harassment on the job is employment discrimination within the meaning of Title VII of the federal Civil Rights Act of 1964 and KRS Chapter 344. In general, sexual harassment means any unwelcome or offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment can come from a supervisor, fellow employee, or a person other than an employee who has contact with the city employees. Sexual harassment is unacceptable and is prohibited at work and in work-related settings. Behavior that constitutes sexual harassment includes but is not limited to:
 - a. Deliberate, repeated, or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another person.
 - b. Approval, recommendation, or a refusal to take any personnel action with respect to an employee or applicant because of:
 1. The employee's or applicant's rejection of sexual advances, demands, favors, or sexual activity.
 2. The employee's or applicant's reporting of a sexual advance or demand for sexual activity.
 - c. Explicit or implicit promises of preferential treatment regarding an individual's employment status in return for sexual favors or sexual activity.
 - d. Exercise or attempted exercise of the power or authority of one's position to control, influence, or affect the career, salary, job, or other employment conditions of an employee or applicant in exchange for sexual favors.
 - e. Repeated sexual jokes, flirtations, advances, or propositions.
 - f. Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
 - g. Leering, whistling, touching, pinching, assaulting, or coercing sexual acts.
 - h. Suggestive, insulting, or obscene comments or gestures.
 - i. The display in the workplace of sexually suggestive objects, pictures, or reading material.
- (3) Any conduct that is intimidating or hostile and interferes with an employee's work performance is prohibited and will not be tolerated. This includes harassment because of an individual's race, religion, color, national origin, sex, sexual orientation, genetic makeup, gender identity or expression, pregnancy, childbirth, pregnancy/childbirth-related medical conditions, age, disability, veteran or family status, or because the employee is a smoker or nonsmoker.
- (4) Any employee who believes they have been subjected to sexual or nonsexual harassment should report the incident promptly to their immediate supervisor,

department director, human resources, the city attorney, the mayor, or any other supervisor with whom the employee feels comfortable discussing the matter. Employees are encouraged to make prompt reports of the incident to ensure a timely response and for remedial measures to be implemented, if necessary. However, all reports of sexual and nonsexual harassment will be reviewed and investigated regardless of when the alleged misconduct occurred.

- a. All reports of sexual or nonsexual harassment will be reduced to writing by the reporting employee or by the person receiving the report. Employees may use the **Complaint Form (HR-108)** for this purpose. The report will be signed by the complaining employee or the person receiving the report. All reports will be kept confidential to the extent feasible and appropriate under the circumstances. Human resources will inform the mayor of receipt of the complaint.
 - b. All reports of sexual and nonsexual harassment will be promptly investigated following the receipt of an incident report. The report will be investigated by the mayor and/or one or more members of the management staff designated by the mayor and the city attorney. The results of the investigation will be communicated to the complainant and to the alleged offender. Any employee found to have engaged in misconduct constituting sexual or nonsexual harassment will be disciplined up to and including dismissal. In addition, the city may take other steps to correct and prevent future incidents from occurring.
 - c. If the investigation results in a finding that any form of harassment has occurred in the city workplace, the mayor will create a written report and/or a written update of the action taken by the mayor as a result of the finding. If the investigation results in a finding that harassment did not occur, the mayor will create a written report of the decision.
 - d. As provided under the [Protection Against Retaliation for City Employees Policy](#) in Section 3 of this manual, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. If an employee suffers any discrimination or retaliation for making a report, the employee should immediately alert a member of management. Any person found to have discriminated against or retaliated against an employee who makes a report will be subject to disciplinary action up to and including dismissal.
- (5) The city recognizes that the question of whether a particular course of conduct constitutes sexual or nonsexual harassment requires a factual determination. The city also recognizes that false accusations of sexual or nonsexual harassment can have serious effects on innocent parties. If an investigation results in a finding that a person who has accused another of sexual or nonsexual harassment has maliciously or recklessly made a false accusation, the accuser will be subject to disciplinary action.
- (6) Training in sexual and nonsexual harassment will be provided by the city.
- (7) Nothing in this policy should be construed as eliminating any employee's rights under Title VII of the Civil Rights Act of 1964, as amended, under KRS Chapter 344, or as conferring enforceable legal rights beyond those existing under applicable law.

3.6 Workplace Violence

- (1) The safety and security of all employees is important to the city. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals by anyone while performing job duties related to the city will not be tolerated. These types of actions will lead to referral to appropriate law enforcement agencies. City employees who exhibit this type of behavior will be disciplined or discharged. The city may take any necessary legal action to protect its employees and will make every effort to assist any employee experiencing threats of violence.
- (2) Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises will be removed from the premises as quickly as safety permits and will remain off city premises pending the outcome of an investigation. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts while in performance of their employment duties will be immediately suspended, pending the outcome of an investigation of the incident. Following an investigation, the city will initiate an immediate and appropriate response. This response may include but is not limited to suspension and/or termination of any business relationship; reassignment of job duties; suspension or termination of employment; and/or criminal prosecution of the person or persons involved.
- (3) All employees are responsible for notifying city management personnel of any threats that they witness, receive, or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior witnessed that they regard as potentially threatening, violent, or which could endanger the health or safety of an employee when the behavior has been carried out on a city-controlled site, is connected to city employment, or city business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
- (4) Employees are encouraged to notify either their supervisor or human resources if an emergency protection order (EPO) or domestic violence order (DVO) has been issued for their protection.
- (5) The city will make every effort to assist an employee experiencing threats of violence. Assistance may include:
 - a. Confidential means for coming forward for help.
 - b. Resource and referral information, e.g., employee assistance program (EAP).
 - c. Leave of absence consideration.
 - d. Special safety considerations at the workplace.
- (6) The city understands the sensitivity of the information requested and will respect the privacy of the reporting employee to the extent allowable by law. The city will endeavor to maintain the anonymity of a reporting party to the extent feasible for cooperation with appropriate law enforcement officials.
- (7) Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment.
- (8) Only sworn law enforcement officers are required to carry concealed deadly weapons in the course of their employment with the City of Glasgow. For all other employees:

- a. Any other form of carrying a deadly weapon as defined in paragraph (9)(a) is not prohibited; however, any other form of carrying a deadly weapon as defined in paragraph (9)(b)-(g) is prohibited.
 - b. An employee carrying a deadly weapon in compliance with the City of Glasgow Personnel Policies and Procedures Manual while performing work for or while on duty for the city does so as a voluntary act and not at the direction or request of the city. Other than sworn law enforcement officers, no job descriptions or job duties in the city require an employee to possess a deadly weapon.
 - c. An employee that chooses to carry a deadly weapon in compliance with this manual has the responsibility to know the law as to where they can or cannot legally carry their deadly weapon. Some locations, including schools, prohibit the carrying of deadly weapons by persons other than sworn law enforcement. Failure to abide by lawful restrictions in those locations, even while performing work for or while on duty for the city, may result in personal liability, criminally and/or civilly.
 - d. An employee that uses a deadly weapon may incur personal liability and the city may or may not indemnify the employee for such use.
- (9) Deadly weapon will be defined as:
- a. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged.
 - b. Any knife, except an ordinary pocketknife or other knife routinely used in the performance of city duties.
 - c. Billy, nightstick, or club.
 - d. Blackjack or slapjack.
 - e. Nunchaku karate sticks.
 - f. Shuriken or death star.
 - g. Artificial knuckles made from metal, plastic, or other hard material.

3.7 Protection Against Retaliation for City Employees

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

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

3.8 Drug- and Alcohol-Free Workplace

- (1) The city's mission is to ensure that all public services are delivered safely, efficiently, and effectively. This mission is accomplished by establishing a drug- and alcohol-free work environment, to ensure that the workplace remains free from the effects of drugs and alcohol thereby promoting the health and safety of employees and the general public. In keeping with this mission, the city declares that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, or misuse of alcohol is prohibited for all employees. Violation of the city's zero-tolerance policy relating to on-the-job possession, distribution, use, or sale of illegal drugs will result in immediate dismissal from employment with the city.
- (2) All employees are expected to read and sign the **Drug- and Alcohol-Free Workplace Acknowledgment Form (HR-109)** within 30 days of employment or within 30 days of any amendment to the policy.
- (3) This policy is intended to comply with all applicable federal and state regulations governing workplace anti-drug and alcohol programs. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation (USDOT) has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The USDOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. Under Kentucky law, the city has also chosen to follow the requirements of 803 KAR 25:280 to become a Certified Drug-Free Workplace.
- (4) The city and all commercial driver's license (CDL) employees are federally mandated to comply with the registration and reporting requirements of the Federal Motor Carrier

Safety Administration (FMCSA) Clearinghouse under 49 CFR Part 382. This includes the city's obligation to perform pre-employment queries for all CDL applicants, perform annual queries for all CDL employees, and report certain violations or activity as required under 49 CFR Part 382.

- a. CDL employees will register with the FMCSA Clearinghouse website and will provide the necessary consent for the city to perform clearinghouse queries, including electronic authorization for all full queries. If an employee fails to provide consent as required under this section, then the employee is unable to perform safety-sensitive functions under federal law and the employee will be removed from duty. The refusal to provide consent will also be considered a violation under this policy and the employee may be subject to disciplinary action including termination.
- b. Pursuant to 49 C.F.R. 382.705, the following will be reported to the Clearinghouse, with any required documentation as outlined in the regulation, by the close of the third business day following the date on which the information was obtained:
 1. An alcohol confirmation test result with an alcohol concentration of 0.04 or greater.
 2. A negative return-to-duty test result.
 3. A refusal to take an alcohol test pursuant to 49 CFR 40.261.
 4. A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (6)(a), (8)(a) through (11), or (1)(d), but in the case of a refusal to test under (11)(a), the employer may report only those admissions made to the specimen collector.
 5. A report that the driver has successfully completed all follow-up tests as prescribed in the substance abuse professional (SAP) report in accordance with §§ 40.307, 40.309, and 40.311 of this title.
- c. The information in (4)(b) above must include, as applicable:
 1. Reason for the test.
 2. Driver's name, date of birth, CDL number, and state of issuance.
 3. Employer name, address, and USDOT number.
 4. Date of the test.
 5. Date the result was reported.
 6. Test result. The test result must be one of the following:
 - a. Negative (only required for return-to-duty tests administered in accordance with § 382.309).
 - b. Positive.
 - c. Refusal to take a test.
- d. For each report of a violation of 49 CFR 40.261(a)(1) or 40.191(a)(1), the employer must report the following information:
 1. Documentation including but not limited to electronic mail or other contemporaneous record of the time and date the driver was notified to appear

- at a testing site, the time, date, and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification.
2. Documentation including but not limited to electronic mail, other correspondence, or an affidavit indicating the date the employee was terminated or resigned, if applicable.
 3. Documentation including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under paragraph (4)(b) of this section, if applicable.
- e. Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at § 382.107, of:
1. On-duty alcohol use pursuant to § 382.205.
 2. Pre-duty alcohol use pursuant to § 382.207.
 3. Alcohol use following an accident pursuant to § 382.209.
 4. Controlled substance use pursuant to § 382.213.
- f. For each violation in paragraph (4)(e) of this section, the employer must report the following information:
1. Driver's name, date of birth, CDL number, and state of issuance.
 2. Employer name, address, and USDOT number, if applicable.
 3. Date the employer obtained actual knowledge of the violation.
 4. Witnesses to the violation, if any, including contact information.
 5. Description of the violation.
 6. Evidence supporting each fact alleged in the description of the violation required under paragraph (4)(e) of this section, which may include but is not limited to affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation.
 7. A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph (4)(b) of this section, if applicable.
- (5) This policy is intended to apply whenever anyone is representing or conducting business for the city. Accordingly, this policy applies during all working hours, while on call, paid standby, and while performing work on behalf of the city while on or off city property. The policy applies to all city employees with special provisions designated to those employees identified as having responsibilities requiring a heightened safety-awareness level (HSAL). Those safety-sensitive positions identified as requiring a heightened safety-awareness level include but may not be limited to:
- a. Police officers.
 - b. Emergency dispatchers and dispatch supervisors.
 - c. Firefighters.
 - d. Heavy equipment operators.

- e. Lifeguards.
- f. Employees driving CDL-regulated vehicles.
- g. Mechanics who work on these regulated vehicles.
- h. Solid waste/sanitation drivers.
- i. Operators of non-CDL vehicles who transport senior citizens, people with disabilities, and children.
- j. Employees who supervise children and child-related activities.

(6) Definitions of terms used throughout this policy:

- a. *Accident* means an occurrence associated with the operation of a vehicle or equipment if as a result:
 - 1. A person dies.
 - 2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident.
 - 3. An employee receives a citation within eight hours of the occurrence under state or local laws, for a moving traffic violation arising from the accident, if the accident involved:
 - (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
 - (b) One or more motor vehicles incurring disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 - 4. The employer could reasonably believe that employee drug or alcohol use could have contributed to an incident.
- b. *Actual knowledge* is defined by 49 CFR 382.107. Actual knowledge means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a commercial motor vehicle (CMV) while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use, except as provided in §382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under §382.307. As used in this section, "traffic citation" means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.
- c. *Adulterated specimen* is a specimen that contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- d. *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food preparation, or medication.

- e. *Alcohol concentration* is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device or in blood alcohol content (BAC) when required for post-accident testing.
- f. *Canceled test* is a drug test that has been declared invalid by a medical review officer. A canceled test is neither positive nor negative.
- g. *Consortium* means an entity which may involve varied pools of employers and their employees, established to provide cost-effective services to employees to help the employers comply with the drug-free workplace program requirements.
- h. *Designated Employer Representative (DER)* is an employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR Parts 40, 382, and 655. Additionally, the DER and/or their designee ensure compliance with the DOT Clearinghouse requirements for employees with CDLs. For the purposes of this policy, the public works superintendent is for DOT-related tests. For all other employees, human resources is the DER.
- i. *Department of Transportation (DOT)* is the department of the federal government which includes the U.S. Coast Guard (USCG), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), Federal Highway Administration (FHA), Federal Motor Carrier Safety Administration (FMCSA), Research and Special Programs, and the Office of the Secretary of Transportation.
- j. *Dilute specimen* is a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- k. *Disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes vehicles that could have been operated but would have been further damaged if so operated. This does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors, or windshield wipers that makes them inoperative.
- l. *Employee* is defined in KRS 342.640 as every person in the service of the city under any contract of hire, express or implied, and every official or officer of those entities, whether elected or appointed, while performing their official duties; every person who is a member of a volunteer ambulance service, fire department, or police department; and every person who is a regularly enrolled volunteer member or trainee of an emergency management agency as established under KRS Chapters 39A to 39E.
- m. *Employee Assistance Program (EAP)* means an established program providing:
 - 1. Professional assessment of employee personal concerns.
 - 2. Confidential and timely services to identify employee alcohol or drug abuse.
 - 3. Referral of employees for appropriate diagnosis, treatment, and assistance regarding employee alcohol or substance abuse.

4. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.
- n. *Evidentiary Breath-Testing Device (EBT)* is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA-conforming products list.
 - o. *Federally regulated employees (FRE)* are those designated in DOT regulations as safety-sensitive employees and include those regulated by the Federal Aviation Administration (FAA) (aviation), Federal Motor Carrier Safety Administration (FMCSA) (commercial motor carriers), Pipeline and Hazardous Materials Safety Administration (PHMSA) (gas pipeline), and Federal Transit Administration (FTA) (transit). These employees include anyone with a CDL or mechanics who work on CDL vehicles.
 - p. *Heightened Safety-Awareness Level (HSAL) (safety-sensitive) positions* are those positions involving special, dangerous, and skilled activities, and those that would involve exceptional duty to community citizens in the area of public safety.
 - q. *Medical Review Officer (MRO)* means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with their medical history, and any other relevant biomedical information.
 - r. *Negative dilute* is a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.
 - s. *Negative test result* for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.
 - t. *Non-negative test result* is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.
 - u. *Performing a safety-sensitive function* includes any period in which an employee is actually performing, ready to perform, or immediately available to perform such functions.
 - v. *Positive test result* for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. In addition, the claimed use of cannabidiol (CBD) products will not be considered a medical excuse for a positive marijuana test. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.
 - w. *Prohibited drug* means cannabinoids/tetrahydrocannabinol (THC), cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended. In addition, the city tests for benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, synthetic narcotics, illicit substances, and volatile substances as defined by KRS 217.900, KRS 218A.010, 803 KAR 25:280, and 902 KAR 55, as amended.

- x. *Rehabilitation program* means a service provider that provides confidential, timely, and expert identification, assessment, treatment, and resolution of employee drug or alcohol abuse and may include inpatient or outpatient programs, as well as the EAP.
- y. *Safety-sensitive functions* include:
 - 1. The operation of a vehicle by an employee when the operation of the vehicle requires the driver to hold a CDL.
 - 2. Maintaining a CDL vehicle or equipment used in repair of CDL vehicles.
 - 3. Operating a transportation vehicle as defined by the FTA.
 - 4. Maintaining transportation vehicles as defined by the FTA.
 - 5. The essential functions of actions performed by employees are considered to establish HSAL positions.
- z. *Substance* means drugs or alcohol.
- aa. *Substance Abuse Professional (SAP)* means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.
- bb. *Substituted specimen* means a specimen with creatinine and specific gravity value, which is so diminished that it is not consistent with normal human urine.
- cc. *Test refusal* is when an employee does any of the following:
 - 1. Fails to appear for any drug or alcohol test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with any applicable DOT agency regulations, after being directed to do so by the employer.
 - 2. Fails to remain at the testing site prior to the commencement of the test and until the testing process is complete provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
 - 3. Fails to provide urine, saliva/breath, or blood specimen for any drug or alcohol test, required by regulations or this policy.
 - 4. Fails to permit the observation or monitoring of the employee's provision of a specimen in the case of a directly observed or monitored collection in a drug test.
 - 5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 - 6. Fails or declines to take an additional drug or alcohol test the employer or collector has directed the employee to take.

7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test.
 8. Fails to cooperate with any part of the testing process, e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, and/or fails to wash hands after being directed to do so by the collector.
 9. Is reported by the MRO as having a verified adulterated or substituted specimen.
- dd. *Verified negative test* means a drug test result reviewed by an MRO and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).
- ee. *Verified positive test* means a drug test result reviewed by an MRO and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40, as revised.
- ff. *Validity testing* is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.
- (7) Education and training requirements for this policy.
- a. Every employee will receive a copy of this policy and will have ready access to the corresponding federal and state regulations, including 803 KAR Parts 25 and 49 CFR Parts 40, 382, and 655, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use, including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
 - b. Thereafter, all employees will receive at least 30 minutes of refresher training, which will include the dangers of alcohol and drug abuse in the workplace; the employer's policy of maintaining a drug-free workplace; the effects of alcohol and drug use on an individual's health, work, and personal life; the disease of alcohol or drug addiction; signs and symptoms of an alcohol or drug problem; alcohol and drug testing; the role of coworkers and supervisors in addressing alcohol or drug abuse; available drug counseling, rehabilitation, referrals to an EAP; and penalties for violation of the Drug- and Alcohol-Free Workplace Policy.
 - c. All supervisors will receive, in addition to the training specified in paragraph (7)(b) of this section, at least 30 minutes each year of alcohol and drug abuse education and awareness training which will include, at a minimum, information on recognizing the signs of employee alcohol or drug abuse; how to document signs of employee alcohol or drug abuse; how to refer employees to an EAP or other alcohol or drug abuse treatment programs; legal and practical aspects of reasonable suspicion testing for the presence of drugs and alcohol; and other issues regarding drug abuse that the trainer or the city deem necessary to include.

- d. The employer will annually verify that the frequency and duration of each employee and supervisor training session meets the requirements of this section and that all employees have participated in the required alcohol and drug abuse education and awareness training program.
- (8) Prohibited substances addressed by this policy include the following:
- a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988. Any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR Parts 1300.11 through 1300.15, and as defined by 803 KAR 25:280 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration (USDEA) or the U.S. Food and Drug Administration (USFDA). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs, such as oxycodone, oxymorphone, hydrocodone, and hydromorphone.
 - b. Federal drug testing regulations (49 CFR Part 40) require that all covered employees be tested for marijuana metabolites/THC (this includes any CBD products containing THC at or above the required threshold), cocaine, amphetamines, opiates, and phencyclidine. Illegal use of these five drugs is prohibited at all times, and thus, covered employees may be tested for these drugs anytime that they are on duty.
 - c. The Kentucky Certified Drug-Free Workplace testing regulations (803 KAR 25:280) require that all covered employees be tested for amphetamines, cannabinoids (THC, which includes any CBD products containing THC at or above the required threshold), cocaine, opiates, phencyclidine (PCP), benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, and synthetic narcotics.
 - d. The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, any HSAL employee taking any legal substance which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected must report this information to a supervisor. The employee is required to provide a written release from their doctor or pharmacist indicating that the employee can perform their safety-sensitive functions.
 - e. The use of beverages containing alcohol (including any mouthwash, medication, food, or candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions.
- (9) Types of prohibited conduct include:
- a. All employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, or any other state or federal laws, as amended.
 - b. No employee will consume alcohol while at work or while on call. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the

time that they are called to report for duty. The employee will subsequently be relieved of their on-call responsibilities and be subject to discipline.

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

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

- (13) Pre-employment testing will be done as follows:
- a. All applicants will undergo urine drug testing and breath alcohol testing within 48 hours after a conditional offer of employment is made.
 1. An applicant will not be hired into a position unless the applicant takes a drug test with verified negative results and an alcohol test with a BAC below 0.02.
 2. If an applicant fails a pre-employment drug or alcohol test, tampers with, or attempts to tamper with a urine specimen in any manner, the conditional offer of employment will be rescinded. Failure of a pre-employment drug and/or alcohol test will disqualify an applicant for employment for a period of at least one year. Evidence of the absence of drug dependency from an SAP that meets with 49 CFR Part 40, as amended, and a negative pre-employment drug test and an alcohol test with a BAC below 0.02 will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 3. When an employee being placed into a position submits a drug test with a verified positive result, or an alcohol test with a BAC above 0.02, the employee will be subject to disciplinary action.
 4. If a pre-employment test is canceled, the city will require the applicant to take and pass another pre-employment drug test.
 5. Applicants for DOT positions are required to report previous DOT-covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.
- (14) Reasonable suspicion testing will be conducted as follows:
- a. All employees and volunteers will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion will mean that there is objective evidence based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion drug test can be performed any time the employee or volunteer is on duty.
 - b. The DER or their designee will be notified of any indication of reasonable suspicion. Both the observing supervisor and the DER or their representative, if available, will review the policies and procedures herein, and if necessary, make arrangements with a testing facility of the city's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If the DER or their representative is not available, the observing supervisor will obtain the assistance of another city supervisor or other credible and reliable source. They will complete the Reasonable Suspicion Observation Form and forward it to the DER. If after

completing the form it is determined that there is, in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or their designee will notify the employee and accompany them to the testing site. Supervisors should avoid placing themselves and/or others in a situation which might endanger the physical safety of those present. The **Reasonable Suspicion Observation Form (HR-116)** will be attached to the forms reporting the test results.

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

- c. Due to varying types of accident causes, not all accidents will require post-accident testing. Exceptions for requiring post-accident drug and alcohol testing will include but may not be limited to the following types of accidents or injuries:
 - 1. Injuries whose onset is cumulative or gradual such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
 - 2. Injuries where the employee can be completely discounted as the contributing factor, e.g., injuries caused by a third party or some other uncontrollable force or event, such as weather, insects, etc.
 - 3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury or accident, i.e., was performing training as instructed.
- d. When possible, post-accident investigations should take place within two hours following the accident.
- e. As soon as practicable following an accident, the investigating supervisor will notify the employee operating the vehicle or equipment and all other employees whose performance could have contributed to the accident of the need for the blood test. All employees whose conduct could have contributed to the accident will be subject to testing, not only the employee who reported an injury. The DER, along with the supervisor, will make the determination using the best information available at the time of the decision.
- f. Pursuant to KRS 342.610(4), all post-accident drug testing will be done by blood draw.
- g. The appropriate supervisor will ensure that an employee required to be tested under this section is tested as soon as practicable, but no longer than eight hours following the accident for alcohol and within 32 hours for drugs.
 - 1. If a blood alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay.
 - 2. If the alcohol test is not conducted within eight hours, attempts to conduct the alcohol test must cease and the reasons for the failure to test documented.
 - 3. If the drug test is not conducted within 32 hours, attempts to conduct the drug test must cease and the reasons for the failure to test documented.
- h. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until they undergo a post-accident blood alcohol test.
- i. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- j. Nothing in this section will be construed to require the delay of necessary medical attention for the injured following an accident, to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- k. In the rare event that the city is unable to perform a drug and alcohol test, e.g., employee is unconscious, employee is detained by law enforcement agency, the city may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the test. The local law enforcement officials must have independent authority for the test, and the employer must obtain the results in conformance with local laws.
 - l. The city reserves the right to test all employees whose conduct may have contributed to the accident.
 - m. An employee involved in an accident while on an out-of-town assignment will notify their supervisor as soon as possible, but no later than two hours after the accident occurred. The supervisor will notify the DER to discuss possible drug/alcohol testing requirements.
- (16) Random testing will be conducted as follows:
- a. All employees in HSAL, FRE, and DOT positions will be subjected to random, unannounced testing. The selection of employees will be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
 - b. The dates for administering unannounced testing of randomly selected employees will be spread reasonably throughout the calendar year.
 - c. Employees in HSAL positions, other than those classified as FRE, will have random alcohol testing done at a rate of at least 10% annually and drug testing at a rate of at least 20% annually.
 - d. The number of FRE employees randomly selected for drug/alcohol testing during the calendar year will not be less than the percentage rates established by federal regulations for those safety-sensitive employees subject to random testing by federal regulations.
 - e. All employees in FRE positions will be selected from a pool that is separate from the random selection pool for other non-federally regulated HSAL positions.
 - f. Each covered employee will be in a pool from which the random selection is made. Each covered employee in the pool will have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection regardless of whether the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
 - g. Random tests can be conducted at any time during an employee's shift.
 - h. Employees are required to immediately proceed to the collection site upon notification of their random selection.
- (17) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee who is not already a participant in a treatment program admits the abuse of alcohol or other substances to a supervisor in their chain of command, the employee will be referred to the SAP for an assessment. The city will place the employee on administrative leave. Testing in this circumstance would be performed under the direct authority of the DER. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under federal authority. However, self-

referral does not exempt the employee from testing under federal authority as specified in this policy.

- (18) Refusal to submit to a drug/alcohol test will be considered a positive test result and a direct act of insubordination and will result in termination.
- (19) Consequences of a positive alcohol or drug test include:
 - a. The city has adopted a zero-tolerance policy. Therefore, any verified positive test from a sample submitted as a result of a random, reasonable suspicion, post-accident, or return-to-duty drug or alcohol test will result in termination.
 - b. For employees with a CDL, positive test results and other violations will be reported to the DOT Clearinghouse in accordance with 49 CFR parts 40 and 382.
- (20) Return-to-duty testing will be done as follows:
 - a. The city has adopted a zero-tolerance policy. Therefore, any verified positive test from a sample submitted as a result of a random, reasonable suspicion, post-accident, or return-to-duty drug or alcohol test will result in termination.
 - b. All employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (negative being below 0.02 BAC), or both and be evaluated and released by the SAP or EAP before returning to work.
 - c. For an initial positive drug test, a return-to-duty drug test is required, and an alcohol test is allowed. For an initial positive alcohol test, a return-to-duty alcohol test is required, and a drug test is allowed.
 - d. Following the initial assessment, the SAP/EAP will recommend a course of rehabilitation unique to the individual. The SAP/EAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement, is known to be drug and alcohol-free, and there are no undue concerns for public safety.
- (21) Employees will be required to undergo frequent, unannounced drug and alcohol follow-up testing upon return to duty. For DOT employees, the follow-up testing will be performed for a period of one to five years after the successful completion of treatment, with a minimum of six tests to be performed the first year. For all employees, the frequency and duration of the follow-up tests (beyond the minimums) will be determined by the involved SAP/EAP reflecting their assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random testing, post-accident testing, reasonable suspicion testing and return-to-duty testing.
- (22) Employee assistance program (EAP) information.
 - a. Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The city's health insurance plan through Humana contains a level of care available for substance abuse treatment through an EAP provided for employees as part of their health care coverage. The EAP can be reached by calling **1-866-440-6556**.
 - b. All employees of the city are strongly encouraged to voluntarily contact the EAP if they believe they, or an immediate family member, might have a problem with drug or alcohol abuse. An employee who feels that they have developed an

addiction or dependence on alcohol or drugs may be entitled to other benefits in addition to the EAP herein described. The decision to seek such benefits or not is the sole responsibility of the employee. All information concerning the use of the medical insurance plan for this purpose will be treated as confidential medical information. Employees who seek treatment or counseling for substance abuse problems may be eligible for leave pursuant to the city's leave policies.

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

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

- f. Records will be released to the National Transportation Safety Board (NTSB) during an accident investigation.
 - g. Records will be released to the DOT, or any DOT agency, with regulatory authority over the employer or any of its employees.
 - h. If requested, records will be released by a federal, state, or local safety agency with regulatory authority over the city or the employee.
 - i. If a party seeks a court order to release a specimen, or part of a specimen, contrary to any provision of CFR Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.
- (25) Any questions regarding this policy or any other aspect of the Drug- and Alcohol-Free Workplace Policy should be directed to the DER.

3.9 Hours of Operation and Work Schedules

- (1) Normal office hours are Monday through Friday, 7:30 a.m. until 4:30 p.m. Office hours may be modified due to evening meetings and other similar functions, when weather or other circumstances require.
- (2) The work schedule of the individual employee will be established by the employee's department director or immediate supervisor in a manner that is consistent with the needs of the city. The work schedule may be modified on a temporary basis when necessitated by workload or other work-related factors. A supervisor that establishes a permanent work schedule for an employee deviating significantly from normal department hours will provide notification and details regarding the modified work schedule to human resources who will then notify the mayor.
- (3) According to the Occupational Safety and Health (OSH) guidelines, where extended work shifts are unavoidable employers should make efforts, whenever feasible, to give affected workers time for rest and recovery, including extra breaks for extended shifts of more than eight hours. The city expects employees to work eight-hour shifts; however, in severe emergencies, such as snow or water main breaks, employees sometimes must work in excess of eight-hour shifts. Because of safety concerns, no operator may work more than a 16-hour shift in any 24-hour period. Operators will take 15-minute breaks every two hours, with a half-hour meal break after four hours. The department director should use good judgment in allowing employees to be off after an extended work shift due to emergency situations. If the department director has a question on how to handle an extended work shift due to emergency situations, they should contact the mayor.

3.10 Tardiness

All employees are expected to arrive at their designated workspace prior to the start of their work shift. An employee that arrives after the appointed time is considered tardy. Employees who are tardy two times or less within a 30-day period will be counseled by their department

director. Employees who are tardy more than two times within a 30-day period will be subject to the disciplinary policy.

3.11 Meals and Rest Periods

- (1) Unless other arrangements are made with the employee's immediate supervisor, all employees, other than emergency employees, are expected to take an unpaid lunch period each workday which will occur no sooner than three hours after the employee begins their work shift and no later than five hours after the employee begins their work shift. However, an employee and their immediate supervisor may agree to make a reasonable alternative schedule for a meal period on a temporary basis and any such change should be noted in writing.
- (2) Employees are encouraged to schedule personal breaks as workflow allows. The total time taken for personal breaks should not exceed 10 minutes for each four hours worked. No reduction in compensation will be made for time spent on personal breaks taken consistent with this policy for either exempt or nonexempt employees.
- (3) For up to one year after a child's birth, any employee who is breastfeeding her child will be provided two reasonable break times (approximately 20 minutes) to express breast milk for her baby. This time will be paid but is not in addition to the breaks provided in paragraph (2). If an employee needs more than 20 minutes, that time will be allowed, but it will not be paid. The city will provide a room which is separate from the bathrooms, is shielded from view by the public and coworkers, and is cleaned and sanitized regularly. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting human resources.

3.12 Inclement Weather

- (1) Emergency closings will be authorized by the mayor. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the mayor or other appointed person will notify supervisors. Employees will be notified by their supervisors.
- (2) If the city system remains closed for an entire day because of an emergency, all employees scheduled to work that day will be paid for the number of hours they were scheduled to work. Employees able to telecommute will be expected to work during regular working hours. If an emergency closing occurs during the hours when the city is open, employees will be paid for any remaining hours scheduled on that day. However, emergency hours not actually worked will not be included in overtime calculations. Further, if an employee is off on vacation or sick leave, they will not receive credit for the hours that the city was closed.
- (3) If the city opens late or closes early due to an emergency, scheduled staff who report to work will receive credit for their regularly scheduled hours for that day. However, emergency hours not actually worked will not be included in overtime calculations.
- (4) When the city is open, but extreme weather conditions make it impossible for an employee to arrive at the regular time, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time, they must

charge the day to vacation or leave without pay equal to their regular work schedule hours for that day. The supervisor should be notified as soon as possible.

- (5) Certain essential services are required to be maintained during any closing. The employees providing these essential services are excused from work only with the specific authorization of their supervisors, regardless of radio or other announcements. Supervisors should clarify beforehand who the essential employees are during emergencies, what their obligations are, and what procedures will be used to let them know whether they will be needed to work. Failure to report to work during emergencies by required essential services employees may be cause for disciplinary action.
- (6) Essential employees that are required to come in will be paid on a time and a half basis for any hours worked during the time period when city hall is closed. Hours worked over 40 hours within the workweek will be paid at time and one-half.
- (7) The public affairs officer or designee will notify the public in the event the city opens late or closes early.

3.13 Fraternization

- (1) While the city encourages amicable relationships between employees, it recognizes that involvement in a romantic relationship may compromise, or create a perception that compromises, an employee's ability to perform their job. Any involvement of a romantic nature between employees of the same department as their supervisor is prohibited. Violation of this policy will lead to corrective action up to and including termination of the individuals involved.
- (2) Any concerns an employee has in a dating relationship with a coworker may be brought to the attention of the mayor or any supervisor in which the employee feels comfortable. The supervisor and employee should follow the guidance in the [Sexual and Nonsexual Harassment Policy](#) and/or the [Workplace Violence Policy](#) within Section 3 of this manual. In addition, employees may use the city-provided EAP for any relationship issues.

3.14 Children in the Workplace

- (1) The presence of children in the workplace with the employee parent during the employee's workday is only allowed in certain circumstances and as approved by the employee's supervisor and the mayor. This policy was established to avoid disruptions in job duties of the employee and coworkers, reduce property liability, and help maintain the company's professional work environment.
- (2) If bringing a child to work with the employee is unavoidable, the employee must contact their supervisor as soon as possible to discuss the situation and obtain permission to have the child accompany the employee while working. Factors the supervisors will consider are the age of the child, how long the child needs to be present, the work environment in the employee's area, and any possible disruption to the employees' and coworkers' work. Consideration will not be given to allowing a child with an illness to come to work with the employee.

- (3) A child brought to the workplace in unavoidable situations will be the responsibility of the employee parent and must always be accompanied and under direct supervision of the employee parent.

3.15 Dress Code and Hygiene

- (1) As representatives of the city during work hours, it is important for employees to present a professional impression to citizens, vendors, coworkers, and others. Clothing should be neat, clean, in good taste, and should not constitute a safety hazard. Employees are expected to maintain the highest standards of personal cleanliness and appearance during work hours and when representing the city outside of normal work hours.
- (2) The minimum standard of dress for city office employees is “business casual,” although there are occasions or situations, such as meetings, which require “business professional” attire. From time to time, these standards may be relaxed by management to allow employees to wear more casual clothing. Examples of such times include cleanup days, severely inclement weather, or when more casual clothing may be appropriate for the work to be done.
- (3) For all employees, professional appearance also means that the city expects you to maintain good hygiene and grooming while working. Facial hair is permitted unless it is a safety issue. Tattoos may not be offensive in nature. “Offensive” will generally mean anything of a sexual nature or anything that impugns another’s race, creed, religion, color, or sexual orientation.
- (4) An employee may be granted an exception to this policy by their department director or human resources for certain medical conditions, for a sincerely held religious belief, or other grounds protected by federal, state, or local laws. Reasonable accommodation will be granted unless it would cause an undue hardship on the city.
- (5) An employee wearing inappropriate attire will be required to leave work to change into appropriate attire. An employee will not be compensated for the time they are away from work to change into appropriate attire, and must use vacation time, personal time, or comp time for the time spent away from work.
- (6) To promote safety for our employees when traveling conditions are hazardous, the city has instituted an “Inclement Weather Dress Code.” This dress code will be in effect on days when Glasgow City Schools have delayed or canceled classes due to inclement weather for that day. Employees may wear casual clothing. Footwear that is flat and has high traction soles is appropriate for these conditions and should be worn.
- (7) An employee with questions regarding this policy should direct their inquiries to human resources.

3.16 Uniforms

- (1) The annual budget process will determine the uniform policy of the city and each department.
- (2) Each department will establish its own policies regarding the allowance and issuing of uniforms within the guidelines set below.

- (3) All employees who are authorized to wear uniforms provided by the city will wear the uniforms during all working hours. Uniforms provided by the city will be worn only to and from work and while at work and, unless there is an applicable exclusion, will be considered taxable benefits and employees will be credited with additional income for the amount of the uniform expenses for tax purposes for each pay period.
- (4) If the city provides “everyday apparel” in lieu of uniforms, e.g., blue jeans, civilian clothing for sworn police personnel, etc., the actual allowance or cost of apparel will be considered taxable benefits and credited with additional income for the amount of the apparel expenses for tax purposes for each pay period.
- (5) The value of clothing provided by an employer to an employee must be included as taxable income of the employee unless there is an applicable income exclusion. Possible income exclusions could apply when the employer provides clothing:
 - a. De minimis benefit, which is a benefit so small that accounting for it would be unreasonable or administratively impracticable considering its value and frequency pursuant to Internal Revenue Service (IRS) code section 132(a)(4).
 - b. Clothing not suitable for general wear.
 - c. Police officers and firefighters that are required to wear uniforms and other clearly marked clothing while on duty will not wear those uniforms or other marked clothing while off duty. Any police officer or firefighter wearing the above-mentioned clothing while off duty will be subject to disciplinary action.
- (6) Anyone obtaining personal protective equipment (PPE) through the city is required to wear the PPE whenever necessitated by work duties or conditions. PPE will not be considered taxable benefits.

3.17 Outside Employment for Employees Other than Police Officers

- (1) An employee will not accept any employment or enter into any contracts that result in a conflict of interest with their duties as an officer or employee of the city.
- (2) An employee of the city may be self-employed or may take occasional or part-time jobs if, in the opinion of their supervisor and the executive authority, there is no conflict with working hours, the employee's efficiency in their city work, or other interest of the city.
- (3) Employees wishing to take off-duty employment will have the written approval of their supervisor and the executive authority.
- (4) Employees holding management level positions will notify the executive authority prior to creating, contracting with, or being employed by any agency or business firm other than the city for their written approval.
- (5) City employment will remain the first priority and if at any time the outside employment interferes with an employee's job requirements or performance for the city, the employee will be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.
- (6) Police officers will follow the **Secondary Employment Policy** contained in the [Glasgow Police Department Standard Operating Procedure 10.2](#).

3.18 Use of Office and Mobile Telephones

The office telephone system is provided and paid for by the city to facilitate the conduct of its business. Extensive use of the city telephone system or mobile phones for the personal business of employees interferes with the efficient and effective conduct of the city's business. While the city understands that employees must occasionally make and accept personal calls, texts, or other messages during work hours, personal communication should be kept to a minimum, both in terms of the number of personal calls/messages per day and the duration of individual calls/messages. Excessive use of the office telephone system, mobile phones, or personal mobile phones for personal calls, texting, or other personal messaging during work hours may result in disciplinary action.

3.19 Mobile Telephones and Communications Devices

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

- (1) Standard model mobile telephones are purchased by the city and replaced as determined by the provider's contract. If a device is lost, stolen, or is physically damaged beyond repair, the employee will be responsible for paying a replacement cost. The replacement cost will be calculated as a pro rata amount based on the amount of time remaining on the provider's contract. Employees are responsible for the purchase of additional equipment or other accessories that are not included with the original purchase of the phone and are responsible for the full replacement cost of such items.
- (2) Employees will not submit, nor will any supervisor approve, any mobile telephone expenses for reimbursement on an employee expense report.
- (3) Employees who incur additional charges will be responsible for those charges and will be invoiced for the amount.
- (4) All city policies including but not limited to safety, harassment, ethical conduct, confidentiality, protected health information, and conflict of interest apply fully to electronic device usage.
- (5) All devices must be protected by a password. The user agrees to never disclose their password to anyone. The password should be a minimum of four characters. The device will automatically be locked after a period of inactivity.
- (6) Lost, stolen phones, or other communication devices should be immediately reported to human resources.
- (7) Since mobile telephone data and locally stored data may be subject to the Open Records Act, there is no expectation of privacy. Each user is responsible and accountable for the content and use of these tools. Should a personal device be used for business purposes, the employee must comply with the Open Records Act, including archiving of data.
- (8) Upon resignation, termination of employment, or at any time upon request, the employee may be asked to produce the device for return to the city. The city reserves the right to delete information on the communication device.

3.20 Vehicle Use

- (1) The operation of vehicles is necessary in conducting much of the city's business. This policy establishes requirements governing the operation of city-owned, leased, or rented vehicles and the operation of personal vehicles while conducting business on behalf of the city. Department directors are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department.
- (2) Employees operating the city-owned, leased, or rented vehicles, which include special-use vehicles, such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site, and employees who are performing employment functions on behalf of the city in a privately owned vehicle must meet and adhere to the following requirements:
 - a. The employee will hold a valid driver's license.
 - b. Operators of CDL and non-CDL vehicles will have held a valid driver's license for at least three years before being allowed to operate a city-owned vehicle. Operators may drive city-owned vehicles with fewer than three years of experience only after successfully completing on the job CDL training or a driver skills evaluation.
 - c. The employee will not operate a city-owned vehicle or use a privately owned vehicle in conducting business on behalf of the city while the employee's license is under revocation or suspension.
 - d. A valid driver's license must always be in the employee's possession while operating a city-owned vehicle. In the case of commercially rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid and in the driver's possession.
 - e. Any employee who may operate a vehicle while performing employment functions on behalf of the city, will be subject to an annual Division of Motor Vehicle Records Check and must sign the **Driver's License Background Check Release Form (HR-118)**. The city will use the Commonwealth of Kentucky's individual driving record and corresponding point system to monitor the risks associated with operating vehicles while in the city's employment.
 1. An accumulation of eight or more points in the previous 12-month period or an accumulation of 10 or more points in the previous 18-month period will be cause for disciplinary action up to and including suspension of city driving privileges.
 2. Human resources will advise the employee's department director and the mayor when a driving record meets this threshold.
 3. Problem drivers should be identified and enrolled in a defensive driving training course.
 - f. Only city employees are authorized to operate city-owned vehicles.
 1. Persons volunteering services to the city are considered employees of the city for purposes of this policy and may operate city-owned vehicles when their duties require travel as long as such travel is under the approval or direction of the department director and necessary in the course of performing official city business.

2. Employees of other public entities may operate city-owned vehicles under the specific approval of the department director as long as such operation is essential in conducting city business. Department directors granting permission for non-city employees to operate city-owned vehicles are responsible for ensuring that the driver is properly licensed, trained, and qualified to operate the vehicle.
- g. Only persons being transported in connection with official city business will be passengers in any city-owned vehicle.
- h. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any city-owned vehicle may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action.
- i. When cargo, materials, or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
- j. No person will be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this prohibition will be vehicles assigned to the Sanitation Department which are suitably designed and equipped for passengers outside the cab area.
- k. Riding on garbage trucks will be performed in compliance with [American National Standards Institute \(ANSI\) Z245.1 Mobile Refuse Collection and Compaction](#) requirements.
- l. Alcoholic beverages will not be transported or placed in any city-owned vehicle.
- m. An employee who operates a city-owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.
- n. Preoperational inspection for passenger sedans, light-duty pickup trucks, and all other vehicles that do not require a CDL.
 1. At least once per day the operator of these vehicles is responsible for ensuring that all vehicle safety equipment, including headlights, turn signals, brake lights, and horn are functioning properly.
 2. The operator is also responsible for ensuring that fluid levels, including brake, transmission, engine oil, and coolant are properly maintained.
 3. Any defects which will affect the safe operation of the vehicle will be promptly reported to the driver's supervisor or central garage. No employee will operate a city-owned vehicle in an unsafe condition. Any vehicle damage, which is beyond normal wear and tear, must be documented and reported to the employee's supervisor.
- o. Preoperational inspection for all vehicles that require a CDL.
 1. At least once per day, the operator of these vehicles is responsible for ensuring that all vehicle safety equipment, including headlights, turn signals, brake lights, and horn are functioning properly. The operator is also responsible for ensuring that fluid levels, including brake, transmission, engine oil, and coolant are properly maintained.
 2. In addition to the requirements above, the operator of these vehicles is responsible for ensuring that all preoperational checks, as required by DOT CDL

rules, are complied with. In addition, the operator will complete a Vehicle Condition Report at the beginning of the first shift of each day.

3. Any defects which will affect the safe operation of the vehicle will be promptly reported to the driver's supervisor. No employee will operate a city-owned vehicle in an unsafe condition. Any vehicle damage, which is beyond normal wear and tear, must be documented and reported to the employee's supervisor. A new form will be initiated at the beginning of each week.
- p. A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer.
- q. No vehicle will be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake, and locking the doors, or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement.
- r. Vehicles responding to emergency situations, or those parked on job sites, will be parked with due regard to safety and security considerations.
- s. City-owned vehicles not taken home will be secured in city parking lots during non-duty hours. The keys will be removed, and the vehicle locked. When it is necessary to leave a vehicle at a job site overnight, the operator will ensure the vehicle is parked and secured in an area which provides reasonable security.
- t. When using a trailer, dolly, or other equipment, the following will apply:
 1. The driver will ensure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.
 2. The driver will ensure that the trailer or other towed equipment is supplied with proper lighting, including brake lights, turn signals, and running lights.
 3. Any vehicle having a load which extends more than four feet beyond the rear will have the end of the load marked with a red flag which will be at least 12 inches square.
- u. Backing guidelines for large vehicle and construction equipment are as follows:
 1. The driver will position the vehicle to avoid the necessity of backing when possible.
 2. Park the vehicle so that the first move is forward when leaving. This means backing the vehicle into a parking space or pulling through a parking space.
 3. These methods do not apply to diagonal parking spaces.
 4. Before entering the vehicle, the driver will perform a walkaround to check clearances prior to entering the vehicle.
 5. The driver will not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic.
 6. Never back a vehicle when windows or mirrors are covered with snow, ice, frost, or other substance that prevents the driver from a clear visual path.
 7. Back slowly, even during emergency situations.
 8. Be familiar with the vehicle's blind spots to reduce the area that may not be visible in the side mirrors.

9. When available, use a spotter to back all vehicles. Before and during backing movements, the driver and spotter should check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow a full stop.
 10. If a spotter is not available, cones will be placed in the front and rear of the vehicle after parking and picked up prior to leaving to ensure a full walkaround is completed.
 11. This policy applies to all vehicles, including those fitted with backup cameras. These cameras can be an effective tool for preventing backing accidents, but such equipment should be used in addition to the techniques outlined in this policy.
- v. The employee will obey all city, county, state, and federal laws, and regulations.
 - w. The employee will not operate a motor vehicle while under the influence of alcohol or while being under the influence of illegal or controlled substances.
 - x. When it is necessary for a city employee to use a rental vehicle for city business, the employee will use a city-approved leasing agency. The city will purchase optional comprehensive/collision damage coverage through the leasing agency at the time the vehicle is rented.
 - y. The employee and all occupants will always wear safety belts/safety restraints and all occupants of city vehicles must properly wear seat belts/safety restraints any time the vehicle is in motion.
 1. The operator of construction, excavation, and other off-road equipment will use the occupant restraint system any time the vehicle is in operation.
 2. Employees are prohibited from removing, deactivating, modifying, or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.
 - z. No employee will operate a vehicle while normal vision is obstructed.
- (3) All employees operating a vehicle on city business will undergo annual defensive driver training.
 - (4) The city will not provide coverage for liability or physical damage to an employee's privately owned vehicle. Employees who use privately owned vehicles for city business should confirm that their personal auto insurance policy provides coverage for this use.
 - a. Employees who use their personal vehicle while conducting city business will maintain at least the minimum of liability coverage in an amount not less than \$100,000 per occurrence/\$300,000 annual aggregate, and property damage coverage in an amount not less than \$100,000 per occurrence.
 - b. Annual verification of minimum coverage will be requested.
 - (5) Any employee who receives a citation or towing charge while operating a city-owned vehicle, will notify their supervisor in writing within 48 hours of receipt of the citation or towing charge.
 - (6) An employee who operates a city-owned motor vehicle is required to immediately notify human resources of any motor vehicle violation conviction entered against the employee that involves driving while under the influence, or which has resulted, or may result, in the suspension or revocation of the employee's motor vehicle license.

- (7) If the operation of a city-owned vehicle is a condition of employment, and an employee is unable to operate a motor vehicle due to the suspension or revocation of the employee's license, the employee must immediately inform human resources of the suspension or revocation.
- a. Any DUI conviction, or refusal to submit to a lawful roadside sobriety test, will result in disciplinary action up to and including suspension of city driving privileges.
 - b. An employee whose driver's license has been suspended for any reason will not be allowed to operate any over-the-road city-owned vehicles.
 - c. Employees who have obtained temporary driving permits or hardship licenses will not be permitted to operate over-the-road city-owned or privately owned vehicles in the performance of official city duties.
 - d. Temporary or permanent suspension of city driving privileges will be considered loss of a job-required prerequisite for employees whose position requires operation of an over-the-road vehicle.
 - e. Additionally, the employee must, at their own expense, arrange for and provide transportation so the employee is able to continue to fulfill the employee's job requirements.
 - f. An employee who has been determined to be "at fault" in two or more accidents within a 24-month period while driving a city-owned or privately owned vehicle in the performance of official city business will be subject to disciplinary action up to and including suspension of city driving privileges.

3.21 Assigned City-Owned Vehicles

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

- a. Commuter Rule: Unless specifically exempted by federal regulations, take-home city-owned vehicles will be a taxable benefit. Employees who drive city-owned vehicles to and from work will be credited with additional gross income for tax purposes in the amount of \$1.50 per day for each day the vehicle is driven to work and \$1.50 per day for each day the vehicle is driven from work. For example, an employee who drives a city-owned vehicle to and from work 10 times during the biweekly pay period will be credited with an additional income of \$30 for tax purposes for the pay period. Personal use other than commuting is prohibited and grounds for discipline up to and including termination. Employees who drive qualified nonpersonal-use vehicles, e.g., marked police vehicles, are exempt from the taxable benefit under the federal regulations; however, personal use for travel outside of the officer's or firefighter's jurisdiction is prohibited and grounds for disciplinary action.
 - b. Gas Expense: An employee will utilize their fuel cards for refueling assigned vehicles.
 - c. Maintenance, Inspection, and Repairs: The employee is responsible for ensuring that routine maintenance on the vehicle, as specified in the owner's manual, and as the city may specify in writing, is performed at the intervals specified in such documents. Scheduled maintenance should include at a minimum, an oil change, check fluid levels, check tire condition, and check all lights and warning devices. All maintenance should be documented and each vehicle in the fleet should have a separate file to store all maintenance records. Service, other than routine maintenance, must be performed at the service center as directed by the city. Information on the service center can be obtained from human resources.
 - d. The city will arrange for license plates, registration certificates, and insurance cards. The city pays local property taxes. The employee should not receive a tax bill.
 - e. An assigned vehicle will be turned in no later than the last day of employment. A terminated employee will not continue use of the assigned vehicle under any circumstances.
- (3) In operating an assigned city-owned vehicle:
- a. The employee will not permit or give permission for any other person to drive the city-owned vehicle, other than as outlined in the [Vehicle Use Policy](#) in Section 3 of this manual.
 - b. The employee will follow the [Vehicle Use Policy](#) as set forth in Section 3 of this manual.
 - c. The employee will report accidents in accordance with the [Vehicle Accident Reporting Policy](#) in Section 3 of this manual.
 - d. City-owned vehicles taken home overnight will be locked and secured in the responsible employee's driveway or other designated parking space which is near the employee's residence.
- (4) Vehicles in the city's car fleet will be replaced at the city's discretion. In addition, the city may, at its discretion, revoke a vehicle assignment at any time or otherwise change the position or work requirements of the employee.

3.22 Distracted Driving

- (1) Employees will not use cellular telephones or any other mobile electronic devices, while operating, a motor vehicle to read or respond to emails and text messages or access the internet, unless an exception under paragraph (3) applies. Employees are prohibited from wearing a headset or earphones over or in both ears. This policy is in effect when operating a city-owned vehicle or operating a privately owned vehicle while conducting city business.
- (2) Furthermore, employees, unless an exception under paragraph (3) applies, should consider:
 - a. Turning off wireless phones before starting the car.
 - b. Pulling over to a safe place and putting the vehicle in "park" if a call must be made or received while on the road.
 - c. Modifying voicemail greeting to indicate the employee is unavailable to answer calls or return messages while driving.
 - d. Informing clients, associates, and others of this policy and an explanation of why calls may not be immediately returned.
 - e. Pulling over to a safe place and putting the vehicle in "park" to adjust a global positioning system (GPS) or other navigational device.
- (3) Pursuant to KRS 189.292, this policy will not apply to an emergency or public safety vehicle when the use of a personal communication device is an essential function of the vehicle operator's official duties.

3.23 Vehicle Accident Reporting Requirements

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

3.24 Media Communications

- (1) The mayor serves as the chief media spokesperson for the city. All media requests will be directed to the mayor who is responsible for determining the city staff person most appropriate to make a response. Under certain circumstances, staff members may be directed to respond to a media request when matters touch upon their specific areas of expertise. Any employee directly contacted or approached by the media for comments on issues related to the city will contact the mayor prior to making a response.
- (2) To guarantee quality and appropriate formatting, all city communications will originate from the mayor.
- (3) To guarantee consistent quality and branding, all city publications will originate or be approved by the mayor.

3.25 Information Technology (IT) Acceptable Use Policy

- (1) The city's electronic resources are provided for the transaction of official business of the city. This policy is intended to establish rules applicable to all city personnel in order to ensure the city's electronic resources are appropriately utilized and protected.
- (2) All data that is stored on city-owned media is city property. To properly maintain and manage this data, the management may exercise, at any time, its right to inspect, record, and/or remove any, or all, information contained in computer databases, files, and email records, and to take appropriate action should unauthorized or improper usage be discovered.
- (3) All employees and officers who use computer equipment and software in the performance of their duties will take all reasonable and necessary precautions to prevent damage to the equipment and software. To ensure the city's computer system and software integrity, all employees and officers are prohibited from connecting any hardware or loading any software onto the system or any individual component of the system, unless the hardware or software has been specifically approved in advance by the city treasurer.
- (4) Access to the data stored on the city's computer systems will be limited to city employees and officers who require such access for the performance of their assigned duties. Employees or officers may not attempt to use passwords to gain access to coworkers' email or computer files without appropriate authorization.
- (5) No employee or officer will make copies of data or software programs owned by the city for their personal use or for any purpose not required by the employee's assigned duties. If a software licensing agreement authorizes the reproduction of software, and an employee desires to obtain a copy of the software for installation on a single home computer to assist the employee in the performance of assigned duties outside of regular office hours, the employee will seek specific approval from the city treasurer before copying the software.
- (6) All city business email communications will be conducted through the city email accounts. No city business conducted by an officer or employee of the city will occur through a personal email account. Any city business conducted outside of the city email account will be subject to open records, and it is the responsibility of the

employee or officer to retain those messages in accordance with the Open Records Act and the Kentucky Department of Library and Archives (KDLA) Record Retention Schedule. Questions regarding any recordkeeping requirements should be directed to the city clerk.

- (7) Employees or officers should have no expectation of privacy associated with information they transmit through or store in electronic mail programs owned by the city, even those on a cell phone. All messages and data processed electronically over the city-owned computers and communications systems are city property and may be subject to the Open Records Act.
- (8) In order to maintain the integrity and security of the city computer resources, employees or officers are strictly prohibited from downloading any software, unless prior approval is granted by the employee's supervisor after consultation with the city treasurer. Excessive use of the internet for personal reasons during work hours may be grounds for disciplinary action.
- (9) Internet usage is intended for job-related activities; however, incidental and occasional brief personal use is permitted within reasonable limits.
- (10) The equipment, services, and technology provided to access the internet always remain city property. As such, the city reserves the right to monitor internet traffic and retrieve and read any data composed, sent, or received through the online connections and stored in the computer systems.
- (11) The electronic mail and other information systems, including facsimile machines, of the city are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
- (12) There is to be no display or transmission of sexually explicit images, messages, cartoons, or any transmission or use of email communications that contain ethnic slurs, racial epithets, anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, sexual orientation, age, disability, or religious or political beliefs.

3.26 City Social Media

- (1) The city may utilize social media and social network sites to further communicate with citizens.
- (2) The purpose of the city's social media sites is to disseminate information from the city and to encourage discussion of city issues, operations, and services by providing members of the public the opportunity to participate through various platforms.
- (3) For purposes of this policy, "social media" is understood to be content created by individuals using the internet. Examples of social media include Facebook, blogs, Snapchat, Instagram, YouTube, Twitter, and LinkedIn.
- (4) For purposes of this policy, "comments" include information, articles, pictures, videos, or any other form of communicative content posted on the city's social media site.
- (5) The establishment and use by any city department of city social media sites are subject to approval by the city treasurer or their designee.

- (6) City social media sites should clearly state they are maintained by the city and that they follow the City Social Media Policy. All social media sites will clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- (7) The site should adhere to all applicable state, federal, and local laws, regulations, and policies including city information technology and records management policies.
- (8) The designated coordinator of the social media site will monitor content on the social media site to ensure adherence to both the City Social Media Policy and the interest and goals of the city. The city reserves the right to restrict or remove any content that is deemed in violation of the City Social Media Policy or any applicable law. Any content removed, based on these guidelines, must be retained by the designated coordinator as determined by the KDLA Record Retention Schedule, including the time, date, and identity of the poster, when available.
- (9) The city's website is <https://www.cityofglasgow.org/> and will remain the city's primary and predominant internet presence. All city social media sites will have the government's contact information prominently displayed. Whenever possible, the city's social media sites should link back to the city's official website for forms, documents, online services, and other information necessary to conduct business with the city.
- (10) Employees representing the city via the city's social media sites must always conduct themselves as a representative of the city and in accordance with all city policies.
- (11) When a city employee responds to a comment in their city employee capacity, the employee's name and title will be made available, and the employee will not share personal information about themselves or other city employees.
- (12) All comments posted to any city social media site are bound by the Social Media's Statement of Rights and Responsibilities. The city reserves the right to report any violation to the social media site with the intent being that the social media site takes appropriate and reasonable responsive action.

3.27 Employee Guidelines for Participating in Social Media

- (1) Employees that choose to participate in social media as a city employee should adhere to the following guidelines:
 - a. City policies, rules, regulations, and standards of conduct apply to employees that engage in social networking activities while conducting city business. Use of an employee's city email address and communicating in their official capacity will constitute conducting city business.
 - b. City employees will notify their supervisor and the city treasurer if they intend to create a social media account or service to conduct city business.
 - c. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties. Department directors may allow or disallow employee participation in any social media activities in their departments.
 - d. Protect employee privacy and the privacy of citizens by following all privacy protection laws, e.g., Health Insurance Portability and Accountability Act (HIPAA), and protect sensitive and confidential city information.

- e. Follow all copyright laws, public records laws, retention laws, fair use, financial disclosure laws, and any other laws that might apply to the city or the employee's department.
 - f. Do not cite vendors, suppliers, clients, citizens, coworkers, or other stakeholders without their approval.
 - g. The employee should make it clear that they are speaking for themselves and not on behalf of the city. If the employee publishes content on any website outside of the city, and it has something to do with the work the employee does or is on a subject associated with the city, the employee should use a disclaimer such as: "The postings on this site are my own and don't necessarily represent the City of Glasgow's positions or opinions."
 - h. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the city's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
 - i. If an employee identifies themselves as a city employee, they should ensure their profile and related content is consistent with how they wish to present themselves to colleagues, citizens, and stakeholders.
 - j. The employee should frame any comments or opposing views in a positive manner. Add value to the city through their interaction by providing worthwhile information and perspective.
- (2) Guidelines for participating in social media by police officers and firefighters are contained within the [Glasgow Police Department Standard Operating Procedures](#) and the [Glasgow Fire Department Standard Operating Guidelines](#).

3.28 Employee Privacy Expectations

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

3.29 Smoke-Free Workplace

- (1) The city has a strict Smoke-Free Workplace Policy in all city buildings to provide a safe and healthy environment for all employees and customers.
- (2) Smoking or the use of e-cigarettes is not allowed:
 - a. In any city building.
 - b. In any city-owned vehicle.
 - c. In any other place prohibited by law or as described in the [Glasgow Code of Ordinances, Chapter 38.07](#).
- (3) Designated smoking areas outside and away from entrances to city buildings will be specified for employees.

3.30 Customer Relations

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

3.31 Open Records Policy

- (1) The Open Records Act (KRS 61.870 to KRS 61.884) establishes a right of access to public records. The General Assembly recognized that the free and open examination of public records is in the public interest. All public records, whether they are stored on a computer or on paper, must be open for inspection unless the records are exempted by one or more of the exemptions found in the Act. An employee may inspect any nonexempt public record regardless of their identity.
- (2) Information regarding requesting an open record can be obtained from the city clerk.

3.32 Suggestion System

- (1) Employees are encouraged to submit suggestions that could allow the city to operate more efficiently and effectively.
- (2) Information or notification of safety concerns or imminent hazards to employees or to the public should be reported directly to the supervisor responsible for the location or the work process. Anonymity as to this reporting cannot be guaranteed.
- (3) Suggestions should be submitted to human resources who will forward them to the mayor along with recommendations for approval or disapproval.

Section 4 – Classification and Compensation

4.1 Employment Types and Classification

- (1) As used in this manual, the terms below will have the following meanings:
 - a. “Full-time employee” is an employee who is normally scheduled and expected to work a minimum of 40 hours each workweek on a regularly scheduled basis.
 - b. “Part-time employee” is an employee who is normally scheduled and expected to work less than 40 hours in a single workweek and for retirement purposes averages less than 100 hours a month in a calendar or fiscal year.
 - c. “Temporary employee” is an employee who is hired and works for a definite period of time. Generally, a temporary employee will be employed for a period of time not to exceed nine months and the position is not renewable.
 - d. “Seasonal employee” is an employee hired in a position that is temporary in duration, whose position coincides with a particular season or seasons of the year, and which may recur regularly from year to year. The time period of employment will not exceed nine months.
 - e. “Intern” is an individual who works in an internship position approved by the mayor and as outlined in the budget, for one period not to exceed 26 weeks. The position may be paid or unpaid as designated by the budget and/or pay and classification plan. To be eligible for city internship positions, the individual must have completed their sophomore year at an accredited college or university and must have declared their major prior to the start of the internship.
- (2) Employees occupying full-time positions will be entitled to the benefits provided by the city. All other categories of employment will not be entitled to benefits, except those required by state or federal laws, unless recommended by the mayor and approved by the city council.
- (3) The city designates all employment positions as either “exempt” or “nonexempt” based on applicable federal laws, state laws, and regulations. The classifications are for the purpose of determining whether overtime compensation is due to the employee for any time worked in excess of 40 hours in a single workweek. Classifications of positions are reviewed by the mayor, in consultation with the city attorney, at the time of position creation or modification and on an annual basis to ensure legal compliance. As used in this manual, the terms below will be given the following meanings unless specifically stated otherwise:
 - a. “Nonexempt employee” is an employee in a position whose duties and responsibilities require overtime compensation for any time worked in excess of 40 hours in any workweek pursuant to the Fair Labor Standards Act (FLSA) and Kentucky wage and hour laws. The additional overtime compensation for nonexempt employees is calculated under the city’s [Overtime Policy](#) established in Section 4 of this manual.
 - b. “Exempt employee” is a salaried employee in a position whose duties and responsibilities render the employee exempt from the overtime requirements of the FLSA and Kentucky wage and hour laws. An exempt employee is not eligible for additional compensation for working in excess of 40 hours in a workweek under the city’s [Overtime Policy](#) established in Section 4 of this manual.

4.2 Fiscal Year

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

4.3 Official Workweek

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

4.4 Overtime

- (1) "Overtime" means any time actually worked by a nonexempt employee in excess of 40 hours in any single workweek. In addition, if a nonexempt employee works seven days in any one workweek, and works over 40 hours in those seven days, all hours worked on the seventh day are at time and a half. For purposes of this section, workweek is defined in this manual.
- (2) Time off with pay such as holiday, vacation leave, and sick leave are not included in the calculations for overtime purposes.
- (3) The city is required under the FLSA and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than 40 hours in a single workweek. Overtime wages will be calculated at a rate of one and one-half times the employee's regular hourly rate of pay.
- (4) A nonexempt employee must be authorized orally or in writing by the employee's immediate supervisor prior to the employee's performance of any work that would result in overtime. The employee will verify that their time record accurately reflects any overtime worked as required in this section. Any employee who works overtime without prior authorization, or fails to properly report overtime work, will be subject to disciplinary action.
- (5) The city and the employee's immediate supervisor or department director may require any nonexempt employee to take time off during any workweek that the employee has worked or will work more than 40 hours to minimize overtime costs.
- (6) Firefighters working 24/48-hour shifts, because of the nature of their work and because of the requirements placed upon their working hours by applicable Kentucky laws, necessarily accrue overtime in a given work week as follows:
 - a. Overtime scheduled in advance of the workweek and which because it is known and scheduled in advance, is taken into consideration in calculating such employees' annual pay (hereinafter referred to as "scheduled overtime"). "Scheduled overtime" will be paid to such employees regardless of the number of hours actually worked in a given workweek.
 - b. Overtime which is not "scheduled overtime" will be governed in accordance with the provisions of the paragraphs immediately preceding.
- (7) Exempt employees are not eligible for overtime compensation.

4.5 Compensatory Time

- (1) Pursuant to KRS 337.285, the city gives nonexempt city employees the option of receiving compensatory time off (“comp time”) instead of overtime pay for overtime hours worked.
- (2) All comp time off must be given at the rate of one and one-half hours for each hour of overtime worked (hours worked over 40 hours within the workweek as defined by the city’s [Overtime Policy](#) in Section 4 of this manual).
- (3) For firefighters on a 24-hour work shift, the maximum comp time will be 96 hours or four 24-hour shifts. For employees engaged in other types of work in the city, the maximum comp time will be 40 hours. Any hours over these maximums will be paid to the employee in overtime compensation at the regular rate earned by the employee at the time the employee receives the payment.
- (4) To request the accrual of compensatory time, employees must provide a written request and must be approved by the department director and/or immediate supervisor in advance of any accrual on the **Hourly Compensatory Time Form (HR-110)**.
- (5) Requests for time off using accrued comp time must be done on a prior approval basis, by the submission of the **Leave Request Form (HR-102)**. The request must have the approval of the employee’s department director and will be scheduled to meet the needs of the employees, the city, and the public.
- (6) Upon termination of employment, all unused accrued compensatory time will be paid at a rate of compensation not less than the average rate received by the employee during the last three years or the final regular rate received by the employee, whichever is higher.

4.6 Trading Time

- (1) Per Kentucky Administrative Regulations (KAR) (803 KAR 1:063), fire shift personnel can trade time and this practice will be deemed to have no effect on hours of work as long as the trading of time is done voluntarily by the employees and not due to the city department’s operations and a record is maintained of all time traded.
- (2) Guidelines for participating in trading time by firefighters are contained within the [Glasgow Fire Department Standard Operating Guidelines](#).

4.7 Work Performed by Nonexempt Employees Outside of Normal Working Hours

- (1) A nonexempt employee will not perform any work outside of their normal work hours unless the work has been approved in advance by their supervisor. In addition to all time the employee is required to be on the work premises, or at an assigned work location, “work” also means any effort, whether physical or mental, exerted by the employee for the benefit of the city including, but not limited to travel time to and from an off-site work location and any time spent by the employee using the phone, emailing, text messaging, or other electronic communications for the purposes of the city, regardless of the time of day or the location where such effort is expended.

- (2) Under both federal and state laws, a nonexempt employee will be compensated for any and all work that they perform for the city. Any work performed, including work performed outside of normal working hours, by a nonexempt employee in a single workweek that results in overtime or the accrual of comp time will be governed by the [Compensatory Time Policy](#) and the [Overtime Policy](#) within this manual. All nonexempt employees will keep track of any time spent working outside of their normal working hours and report that time in accordance with this manual.
- (3) A nonexempt employee that has the service of an electronic device paid for by the city as allowed by the [Mobile Telephones and Communication Devices Policy](#) within this manual, with the explicit expectation for it to be used outside of normal working hours on an ongoing basis, will communicate each workweek with their supervisor if the inclusion of such time will result, or appears it could result in overtime, so that appropriate action may be taken to avoid overtime, if possible.
- (4) No employee will be required, encouraged, or expected to work “off the clock,” which is defined as not tracking or reporting time worked. If any employee has been required to work “off the clock,” they will immediately report it to human resources. Any supervisor that has required or is attempting to require “off the clock” work will be subject to disciplinary action.

4.8 Work-Related Training and Travel Time

- (1) Time spent by employees commuting back and forth from home to the workplace is not considered hours worked and is not compensable.
- (2) Employees who travel as part of their principal work activity, including travel time from job site to job site during the workday will be considered hours worked.
- (3) Employees that are required to travel by the city, i.e., work-related training, away from home is considered hours worked. Time spent by employees at meetings, lectures, trainings, travel time, or other similar activities will be counted as hours worked, if all the following criteria are met:
 - a. Attendance is required by the city.
 - b. The course, training, or meeting is directly related to the employee's job.
 - c. The employee performs productive work during such attendance.
- (4) Any questions regarding this policy should be directed to human resources.

4.9 On-Call Employees

- (1) As a condition of employment, employees will agree to report within a reasonable period if requested during a period of emergency. If an employee is called to report to work either after normal working hours, or before normal working hours, the employee will be paid at the regular rate of pay for actual time worked.
- (2) Employees in some departments may be required to be on call in the event of emergencies. Each department will establish the method of compensation for the period.

- (3) Employees who are on call must adhere to all city policies, including the Vehicle Use Policy and the Drug- and Alcohol-Free Workplace Policy.

4.10 Base Salary and Salary Adjustment

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

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

4.11 Payroll Deductions

- (1) The city will make all legally required deductions from an employee's gross pay in accordance with applicable legal requirements, including:
 - a. Federal and state income taxes.
 - b. Social Security/Federal Insurance Contribution Act (FICA) taxes.
 - c. Deductions required by wage garnishment or child support orders.
- (2) The city may also deduct from an employee's pay their portion of insurance premiums and voluntary contributions.
- (3) Employees may request voluntary deductions be made from their gross pay, such as contributions to optional retirement plans. The employee will obtain the appropriate form to request voluntary deductions from human resources.
- (4) When the city must rely on information provided by the employee in order to make any legally required deduction, it is the sole responsibility of the employee to provide accurate and timely information to the city.
- (5) In accordance with the FLSA, the city prohibits improper deductions from the pay of exempt employees and will reimburse employees for any improper deduction. When an exempt employee has exhausted all paid leave, the city may deduct for absences of one or more full days for leave related to sickness, disability, unpaid disciplinary suspensions, or for other personal reasons. In addition, the city may make either full- or partial-day deductions from the pay of an exempt employee during the first or the last week of employment when only part of the week is worked by the employee, or for any unpaid leave taken in accordance with a legitimate absence under FMLA.

Any exempt employee who believes that an improper pay deduction has been made will immediately file a written complaint with human resources setting forth the dates, amounts, reasons, and any other information for the pay deduction. Human resources, along with the mayor, will take immediate action to investigate the issue and if found to be an improper deduction, will cause the employee to be compensated for the improper deduction within two pay periods from the date the written complaint was filed.

- (6) No other deductions will be made.
- (7) All deductions from an employee's pay will be listed on their pay stub. If an employee has questions about any deductions from their pay or if they believe improper deductions have been made from their pay, they must immediately report their concerns to human resources.

4.12 Direct Deposit

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

4.13 Time Records

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

4.14 Unemployment Compensation Insurance

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

Section 5 – Health, Retirement, and Other Benefits

5.1 Limitations of Coverage

All insurance benefit coverage stated in the City of Glasgow Employee Manual are subject to plan document restrictions, if applicable.

5.2 Health Insurance

- (1) All full-time employees, and other employees qualifying under the Affordable Care Act, are eligible for group health insurance for themselves and their dependents. Dependents are defined in the Certificate of Coverage. The effective date of coverage will be 30 days following the first day of employment.
- (2) City council members are also eligible for group health insurance; however, they are responsible for payment of the premium themselves.
- (3) The city may provide coverage for employees and their dependents up to a maximum amount as determined by the city and reflected in the annual budget. Specific information regarding health insurance plans available to employees should be obtained from human resources.
- (4) The city complies with federal regulations under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and any additional amendments designed to provide employees and eligible dependents with the opportunity to continue health insurance coverage at group rates, where the coverage would otherwise cease, such as upon termination of employment, death of the employee, divorce, or a child ceases to be a qualified beneficiary. The premium for this continuation coverage will be the sole responsibility of the employee or dependent, unless otherwise provided for by law. Coverage is not automatic and employees and/or their eligible dependents must make an affirmative election before coverage will begin. More detailed information regarding the continuation of health insurance coverage under COBRA may be obtained by going to the U.S. Department of Labor website at <https://www.dol.gov/general/topic/health-plans/cobra>.

5.3 Dental Insurance

All full-time employees may be eligible for dental insurance for themselves and their dependents. City council members are also eligible for dental insurance; however, they are responsible for payment of the premium themselves. Specific information about the city's dental insurance plan is available from human resources.

5.4 Vision Insurance

All full-time employees may be eligible for vision insurance for themselves and their dependents. City council members are also eligible for vision insurance; however, they are responsible for payment of the premium themselves. Specific information about the city's vision insurance plan is available from human resources.

5.5 Other Optional Benefits

- (1) All full-time employees may participate in other optional benefit plans. Participation in these benefits is voluntary and the cost of the premium will be paid by the employee. Benefits are subject to change, but may include:
 - a. Life Insurance
 - b. Disability Insurance
 - c. AD&D
 - d. Emergency Transportation
 - e. American Family Life Assurance Company of Columbus (AFLAC)
- (2) Specific information about all optional benefits plans is available from human resources.

5.6 Employee Assistance Program (EAP)

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

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

5.7 Workers' Compensation

- (1) The city pays the entire amount of the workers' compensation insurance premium providing benefits to employees who experience injury or illness in connection with employment. Eligibility begins on the first day of employment. Workers' compensation benefit entitlements are governed by KRS Chapter 342. If employees have questions concerning their rights or benefit amounts, they should contact human resources.
- (2) Unless extenuating circumstances make it impossible or impractical, an employee who is injured or becomes ill in connection with employment, regardless of the severity of the injury, will immediately notify their immediate supervisor and/or human resources, who will see to necessary medical attention, assist in the completion of any required reports, and contact the Company Nurse as described in Section 3, [Reporting Work-Related Accidents](#). In any case of serious injury, employees are required to receive prompt medical attention by a physician authorized under the city's designated workers' compensation plan. Employees and supervisors will contact human resources to report all work-related accidents and injuries.
- (3) Except in the case of serious illness or injury, an employee must also call Company Nurse on the Injury Hotline at **855-339-1889**. More information on this program can be found in Section 3, [Reporting Work-Related Accidents](#).
- (4) After three months the employee will only receive workers' compensation benefits and the employee may, subject to the terms and conditions of the specific plan, continue health, life, and vision insurance coverage, upon payment by the employee of the applicable contribution or premium during the period of the absence.
- (5) Vacation and sick leave benefits will not continue to accrue while on workers' compensation leave.
- (6) If the city has reasonable suspicion that the employee's drug or alcohol use may have been a factor in an injury while the employee is working for the city, the employee will be subject to the post-accident drug testing policy found within the city's [Drug- and Alcohol-Free Workplace Policy](#) in Section 3 of this manual.

5.8 Return-to-Work Program

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

- (2) This policy applies to all city employees.
- (3) Definitions:
 - a. *Return-to-Work (RTW) (modified-duty) position* is a temporary position to which an employee is assigned when they are unable to return to their regular position following an on-the-job injury or illness. The return-to-work position temporarily addresses the restrictions placed on an individual by an evaluating physician.
 - b. *Employment-related injury* is an injury or occupational disease, which arises from the course and scope of employment and is a compensable injury or illness, as defined under the Kentucky Workers' Compensation Act.
 - c. *Evaluating physician* in this policy means a Doctor of Medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice within the scope of their license within the commonwealth, as defined in the Kentucky Workers' Compensation Act.
- (4) It is the responsibility of the employee to inform the evaluating physician and the claims adjuster of the employer's Return-to-Work Program; to adhere to the assigned restrictions/limitations for the specified period of time; to maintain a positive attitude toward working within physical restrictions/limitations; and to continue to seek and follow appropriate medical care throughout the recovery period.
- (5) It is the responsibility of the employer to review and evaluate work alternatives for a temporary specified period of time as established by the evaluating physician; to evaluate the job description and modify requirements within the position to accommodate the employee to the assigned restrictions; to monitor the injured employee to ensure work performed is within the assigned restrictions; and to continue to review and adjust job assignments as the medical condition improves and restrictions change until the final goal of either release to full duty or maximum medical improvement (MMI) is achieved.
- (6) It is the responsibility of the evaluating physician to assign specific temporary restrictions for a specified period of time; to review and adjust assigned restrictions at each evaluation; and to maintain beneficial and appropriate medical care and treatment with the goal of moving the injured worker to full duty release or MMI.
- (7) It is the responsibility of the claims adjuster to obtain specific temporary restrictions/limitations for a specified period of time from the evaluating physician after each evaluation; to communicate verbal and written restrictions to the designated employer contact; and to work effectively with the injured employee, employer, and physician to reach the goal of returning employee to gainful employment.
- (8) To be eligible for participation in the Return-to-Work Program, an employee must have a written statement from the designated treating physician stating that they are:
 - a. Temporarily unable to perform their essential duties following an employment-related injury or illness.
 - b. Capable of carrying out work of a lighter or modified nature from their regular duties and they are expected to return to their regular duties within 90 calendar days.

- (9) Once notified of an on-the-job injury or illness, and the injury has been reported to the employer's workers' compensation carrier, the employer will inform the employee in writing of the Return-to-Work Program.
- (10) The employee must be seen and evaluated by a physician to determine if the employee is able to return to work and if so, with or without restrictions.
- (11) Prior to the evaluation, or as soon thereafter, the employer must inform the evaluating physician of the Return-to-Work Program and provide them with a copy of the employee's regular job description that identifies the essential job functions and its requirements.
- (12) When the employee can return to work with restrictions, the employee's evaluating physician must complete a report indicating the specific restrictions and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the evaluating physician.
- (13) Taking into consideration the information provided by the evaluating physician, the mayor, with assistance from the city attorney, will determine if a temporary modified-duty assignment can be offered. There may be instances in which the city will not be able to offer a modified-duty assignment.
- (14) If the employee's regular department is unable to meet the employee's need for the modified-duty position, the employee's department is responsible for payment of the employee's salary and benefits while performing a modified-duty position in a different department which has been able to meet the employee's need for modified duty.
- (15) Income benefits otherwise payable to the employee, by the workers' compensation carrier, for temporary total disability during the period the employee has returned to a modified-duty position will be offset by an amount equal to the employee's gross income minus applicable taxes paid by the employer to the employee during the period of work in the modified-duty position.
- (16) The employer should use one of the two following compensation arrangements:
 - a. There will be no adjustment in the employee's normal compensation. The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department.
 - b. In most cases, there will not be an adjustment in the compensation of the employee that is placed in a modified-duty position. However, the employee placed in a modified-duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. If that salary is less than their normal salary, then they will be paid at least what the maximum weekly benefit would be for their regular salary as defined by the Kentucky Workers' Compensation Act.
- (17) Once the employee has been approved to participate in the Return-to-Work Program, the mayor must provide a return-to-work letter. This letter will include:
 - a. The position offered.
 - b. The location and duties of the position offered.
 - c. The wages and schedule of the position offered.

- d. The duration of the temporary work assignment.
 - e. A statement that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.
 - f. A statement acknowledging that the employee will or will not accept the modified duty and this must be returned to the employer.
- (18) An employee may choose to accept or refuse the return-to-work offer. Rejection of the job could result in suspension of income benefits under workers' compensation insurance. Any acknowledgment received by the employer that the employee has refused the return-to-work offer will be sent by the employer to the claims adjuster.
- (19) Employees do not waive any rights to workers' compensation benefits by participating in the Return-to-Work Program. Employees participating in the Return-to-Work Program will continue to be covered by the Workers' Compensation Act for reasonable and necessary medical expenses and disability benefits related to the injury or illness.
- (20) The maximum length of a return-to-work with modified-duty offer will be 90 calendar days. The duration of approved time will be based upon the information provided by the employee's evaluating treating physician.
- (21) An employee who is unable to return to their regularly assigned duties at the end of the modified-duty assignment and who remains with temporary restrictions which will prevent them from returning to their preinjury position, will begin to receive temporary total disability (TTD) benefits through the workers' compensation program. If the restrictions are permanent and will not allow the employee to return to their preinjury position, then the employee may be eligible to request a leave of absence pursuant to the employer policies or an accommodation pursuant to the ADA Policy addressed within Section 2 of this manual. However, the employer can terminate the employee if leave of absence is considered an undue hardship on the employer and no other ADA accommodation can be made based on the employee's restrictions.
- (22) Employees may be required to attend an independent medical exam (IME) to either clarify the continued restrictions or find that they have reached MMI, and permanent restrictions are assigned as determined by the evaluating physician.
- (23) Provided the employee has exhausted any entitlement under the Family and Medical Leave Act (FMLA), the department has the option to approve, or deny, the leave of absence request after considering the ADA. If leave without pay is denied, and no accommodation can be made under the ADA, employment with the city will be terminated.

5.9 Retirement Plan and Social Security

- (1) Employees who work in a regular full-time position will be enrolled in the Kentucky Retirement Systems/Kentucky Public Pension Authority (KPPA). City employees are covered under the County Employees Retirement System (CERS) portion of the plan. Regular part-time employees must also be covered if they average 100 or more hours of work per month over a calendar or fiscal year, including employees who work a total of more than 100 hours per month in two or more positions with employers under the same retirement system.
- (2) The retirement plan is a qualified public defined benefit plan and was established under Section 401(a) of the Internal Revenue Code (IRC). A defined benefit plan pays

benefits based upon a formula rather than on an account balance. The formula used to compute CERS benefits provides participating members with a guaranteed lifetime payment at retirement based on beginning participation date, the number of years of service, the employee's average salary, and a multiplying factor.

- (3) Employees and the city contribute to the plan. The percentage of contribution may change annually and is based on hazardous and nonhazardous positions. The contribution amount is set by the Commonwealth of Kentucky. For more information about KPPA, contact human resources or KPPA via their website, <https://kyret.ky.gov> or by phone at **800-928-4646**.
- (4) The city participates in the federal social security program and will contribute a percentage of salary, to the extent required by law, to the Social Security Administration for each employee.

5.10 Kentucky Public Employee's Deferred Compensation

The city participates in the Kentucky Public Employee's Deferred Compensation plan. Employees have the ability to choose from qualified plans and can defer a portion of their salary until future years. The city does not match contributions to this plan on behalf of the employee. Participation in the plan is optional and participants in the plan are allowed to choose the investments for their deferrals from various fund types offered under the plan. For more information about Kentucky Deferred Comp plans, contact human resources or the Kentucky Deferred Comp website, <https://www.kentuckyplans.com/iApp/tcm/kentuckyplans/about/index.jsp>.

5.11 Public Service Loan Forgiveness

- (1) If an employee has a federal Direct Loan, including Direct Consolidation Loans, they may be eligible for Public Service Loan Forgiveness, also known as PSLF.
- (2) If an employee makes 120 qualifying monthly payments under a qualifying repayment plan while serving in the military or employed at a government or nonprofit entity, the employee may be eligible to get the balance of their loans forgiven.
- (3) For additional information, see the Department of Education website: <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service>.

5.12 Professional Memberships, Training, Licensing, and Certification

- (1) Certain positions of employment within the city require professional membership, licensure, and certification. In general, the city will cover all costs of memberships, trainings, examinations, or renewal of licenses and certifications that directly relate to the employee's current position with the city.
- (2) Employees will notify their department director of any memberships, trainings, certifications, and licenses that may be covered under this policy by April 1 so that appropriate steps can be taken to include these costs in the annual departmental budget. An employee will not expect the city to pay or reimburse the employee for the cost of any membership, training, examination, license, or certification unless it has

been approved in advance by the department director, the mayor, and included in the city budget.

- (3) An employee's department director will determine the relevancy of the membership, training, examination, license, or certification as it relates to the employee's current job functions or job functions that the employee is expected to undertake in the foreseeable future.

Section 6 – Paid and Unpaid Leaves

6.1 Holidays

- (1) All full-time city employees will receive paid leave for the following holidays:
 - a. New Year's Day
 - b. Martin Luther King, Jr. Day
 - c. President's Day
 - d. Memorial Day
 - e. Juneteenth
 - f. Independence Day
 - g. Labor Day
 - h. Veterans Day
 - i. Thanksgiving Day
 - j. Day after Thanksgiving
 - k. Christmas Eve
 - l. Christmas Day
- (2) Unless otherwise designated by the city council, paid holidays will be observed on the date of their actual occurrence. If the holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday will be observed on the following Monday.
- (3) Any employee who is required to work on the actual holiday will be paid for all hours worked in addition to eight hours of holiday pay.
- (4) To be paid for the holiday, an employee must work the day before the holiday and the day after the holiday, or the employee must be on approved paid leave.
- (5) An employee may substitute one or both of the full paid days granted for Christmas Eve and Christmas Day under paragraph (1) of this policy to use for the observation of another religious holiday or another personal holiday if the employee submits written notification to their department director of their intent to make such a substitution prior to using the time.

6.2 Vacation Leave

- (1) All full-time employees will receive paid vacation leave. Part-time employees, temporary employees, and seasonal employees will not be eligible for paid vacation leave. Vacation leave will be granted to employees, other than police officers and firefighters, each calendar year on the following basis:
 - a. A full-time employee will receive four hours per month, or 48 hours per year, from the beginning of employment with the city through the end of the first year of employment.
 - b. A full-time employee will receive eight hours per month, or 96 hours per year, from the second through the end of the eighth year of employment.

- c. A full-time employee will receive 12 hours per month, or 144 hours per year, from the ninth year of employment and each year of employment thereafter.
- (2) Police department personnel receive the following vacation:
 - a. Police officers will receive 15 days, or 180 hours, per year.
 - b. Non-officer police personnel hired before July 1, 2023, will receive 10 hours per month, or 120 hours, per year.
 - c. Non-officer police personnel hired after July 1, 2023, will receive vacation in accordance with paragraph (1).
- (3) Fire department personnel working 24/48 shifts receive the following vacation:
 - a. A firefighter will receive 10 hours per month, or 120 hours per year, from the beginning of employment through the end of the eighth year of employment.
 - b. A firefighter will receive 14 hours per month, or 168 hours per year, from the ninth year of employment and each year of employment thereafter.
 - c. Full-time fire department personnel not working 24/48 will earn vacation time as indicated for all other full-time employees.
- (4) Vacation leave begins to accrue on the first day of employment.
- (5) On the first day of every month, each employee's vacation leave account will be credited with the appropriate amount of leave as described in paragraphs (1) through (3). Each pay period, the employee's vacation leave account will be debited for vacation leave used by the employee during the preceding period.
- (6) Each department will administer the policies and procedures for the scheduling and approval of vacation leave within that department to manage issues such as the handling of multiple requests for the same time period and periods during which vacation leave may not be requested. Those policies and procedures may not conflict with those set forth in this manual.
- (7) An employee will request and receive advance approval from their department head or immediate supervisor prior to the use of any vacation leave time by the submission of a **Leave Request Form (HR-102)**. Requests for use of vacation leave time should be made as soon as possible to ensure minimum disruption to the department's work schedule and flow.
- (8) Beginning with the second year of employment, employees must take at least two-thirds of their annual vacation accruals each year.
- (9) An employee may carry over a maximum of 240 hours of accrued and unused vacation leave time to the next fiscal year.
- (10) Upon termination of employment, an employee that has completed 12 months of city service will be paid for any vested, but unused, vacation leave time up to 240 hours. The employee will be compensated at the regular hourly rate earned by the employee at the time of the separation.

6.3 Sick Leave

- (1) All full-time employees, other than firefighters working 24-hour shifts, will receive paid sick leave each calendar year in the amount of eight hours per month. Part-time, temporary, and seasonal employees will not be eligible for paid sick leave.
- (2) Firefighters working 24-hour shifts will receive paid sick leave each in the amount of 12 hours per month worked. Firefighters working a 24/48 shift will be charged with 24 hours of sick leave for each 24 hours of sick leave taken.
- (3) Sick leave time begins to accrue on the first day of employment.
- (4) Sick time will be given on a monthly basis. Each pay period, the employee's sick leave account will be debited for sick leave used by the employee during the preceding period. If an employee ceases to be employed during the year, the employee must repay to the city the amount of sick leave used in excess of the leave that has accrued up to the date of termination. If possible, the value of the excess leave will be deducted from the employee's final paycheck.
- (5) An employee may use sick leave for any one of the following reasons:
 - a. To avoid jeopardizing the health of other employees,
 - b. Illness, disability, medical condition, or a medical or dental appointment of the employee or a member of the employee's immediate family necessitating the employee's presence. "Immediate family" will mean the employee's spouse, child, mother, father, or other permanent members of the employee's household.
- (6) An employee using sick leave time will notify their immediate supervisor, as soon as possible of the need to use sick leave. For periods of leave longer than one full day or working shift, the employee will notify their supervisor of each separate day or shift that leave will be used unless prior arrangements have been made.
- (7) Sick leave can be used in 30-minute increments.
- (8) Whenever an employee uses sick leave time, the employee will submit a **Leave Request Form (HR-102)** to their supervisor. When possible, the employee will submit the form in advance of the leave. Otherwise, the employee will submit the form immediately upon return to work.
- (9) For periods of leave greater than three consecutive working days or shifts, the city, when appropriate, may designate such leave as covered by the FMLA Policy detailed within this section.
- (10) Notwithstanding the requirements for FMLA leave, a medical certification or physician's statement will generally not be required to return to work after the use of sick leave. However, an employee's department director may require medical certification or a physician's statement, when there is a reasonable basis to believe the Sick Leave Policy is being abused, to certify that the employee can perform the essential functions of the job without risking the safety of themselves or others, or the employee's length of absence exceeds five full workdays or shifts.
- (11) An employee may carry over an accumulated maximum of 960 hours of unused sick leave time to the next calendar year. Annually, on the first pay date after July 1, employees will be compensated for any unused sick hours in excess of 960 hours at the rate of \$20 per eight sick hours.

- (12) No employee will be compensated for any accumulated and unused sick leave time upon separation from employment except as provided for in the County Employees Standard Unused Sick Leave Program and as provided for in paragraph (13) below. Information regarding this program may be obtained by contacting the KPPA office. Any agency participating in the County Employees Retirement System (CERS) which has formally adopted a sick leave program that is universally administered to its employees may purchase service credit with the retirement system for up to six months of unused sick leave for each retiring employee. This does not apply to any employee who begins participation in the KPPA after January 1, 2014.
- (13) Employees separating from the City of Glasgow, but not eligible for the County Employees Standard Unused Sick Leave Program, will be compensated for accumulated sick leave as follows below.
- a. Payout of sick leave for employees separating from city service is subject to the following limitations:
 1. Employees with less than five years of service will not be compensated for accrued but unused sick hours.
 2. After five years of service, employees will be paid up to 80 hours of accrued but unused sick hours.
 3. After 10 years of service, employees will be paid up to 120 hours of accrued but unused sick hours.
 4. After 15 years of service, employees will be paid up to 160 hours of accrued but unused sick hours.
 - b. Employees terminated from the city service are not eligible for the payout of sick leave and no other payouts except as provided in the County Employees Standard Unused Sick Leave Program.

6.4 Sick Leave Donation

- (1) The purpose of this policy is to establish guidelines and procedures for the administration of the Sick Leave Donation Program. This program permits city employees to donate a portion of their accrued sick leave time for the use of other employees who are experiencing an FMLA-qualifying medical emergency or for maternity or parental leave. A medical emergency is a medical condition of an employee or their family member(s) that results in a prolonged absence from work and substantial loss of income due to the employee's exhaustion of all available paid leave. Use of donated sick leave time by another employee is permitted after it is reviewed by human resources and the mayor determines the receiving employee's eligibility.
- (2) Employees may donate accrued sick leave hours to coworkers who have experienced either their own medical emergency, to care for a family member during a medical emergency, for the recovery from the birth of a child, or for parental leave as stated in the Pregnancy and Parental Leave Policy. Employees wishing to receive donated leave must have exhausted their own paid leave time. Family member is defined as an employee's spouse, child, mother, father, grandmother, grandfather, brother, sister, immediate in-laws, or other permanent members of the employee's household.
- (3) An employee wishing to donate sick leave hours to another employee must meet the

following criteria:

- a. Donating employee must have at least 120 sick leave hours accrued prior to the donation of sick leave hours to another employee.
 - b. Sick leave may only be donated in eight-hour increments.
 - c. Donating employee must submit **Sick Leave Donation Form (HR-111)** regarding the sick leave donation and its effect on the employee's accrued sick leave.
- (4) An employee who meets the following criteria will be eligible to receive donated sick leave hours after the first pay period in which the employee's accrued leave (sick leave, vacation leave, and any other form of accrued leave) balance is zero.
- a. An employee may not solicit any other employee on their behalf to donate sick leave time.
 - b. An employee must have worked for the city for 12 months or longer and must be an employee in good standing.
 - c. An employee must be in a full-time position established by the city council.
 - d. An employee must be off work on an FMLA-qualifying leave, not including workers' compensation.
 - e. An employee must provide medical certification of inability to work or certification of a serious illness of a family member, as required under FMLA.
 - f. Provided an employee meets or exceeds the above criteria, the employee may receive a maximum of six weeks of donated sick leave in any calendar year.
- (5) There will be no accrual of vacation or sick leave as a result of using donated sick leave hours.
- (6) An employee who has received donated sick leave time must return to work at the earliest possible date the employee is fit to work, regardless of the availability of sick leave donations. The city reserves the right to request an opinion from a medical professional of the city's choice to attest to the continued need to be absent from work.
- (7) Human resources will process donations of sick leave time on the next pay period upon the receipt of authorization from the department director, ensuring that the hours donated will be transferred to the receiving employee's sick leave account.
- (8) An employee receiving sick leave donations will continue to receive all other benefits provided by the city in accordance with the city's policies and procedures.
- (9) Any pay received by the employee as a result of donated sick leave time will be subject to any usual deductions on incomes, e.g., federal and state taxes, retirement, etc.
- (10) Sick leave hours donated but unused will be returned to the employees who donated the time.

6.5 Family and Medical Leave Act (FMLA)

- (1) The city is subject to the Family and Medical Leave Act of 1993 (FMLA) and its amendments. In order to be eligible for FMLA leave, the employee must meet the following criteria:

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

9. Additional activities arising from military duty, provided that the employer and employee agree that such leave will qualify as an exigency and agree to the timing and duration of such leave.
 - e. Spouses, as defined by FMLA, who both work for the city and wish to take leave for the birth of a child and bonding with a newborn child, adoption, or placement of a child in foster care and bonding with the newly placed child, or to care for a parent with a serious health condition may only take a combined total of 12 weeks of leave.
- (3) Employees are entitled to 26 weeks of leave within a 12-month period to take care of an injured service member, who is their nearest blood relative. This also extends to include family members of veterans who were members of the Armed Forces (including the National Guard or Reserves) at any point in time within five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy. For purposes of calculating leave entitlement, the 12-month period begins on the first day the eligible employee takes FMLA leave to care for the covered service member.
- a. The nearest blood relative is defined as a blood relative other than a covered service member's spouse, parent, son, or daughter, in the following order of priority:
 1. Blood relatives that have been granted legal custody of the covered service member by court decree or statutory provisions.
 2. Brothers and sisters.
 3. Grandparents.
 4. Aunts and uncles.
 5. First cousins.
 - b. If the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA, then the designated individual will be deemed to be the covered service member's nearest blood relative. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members will be considered the service member's nearest blood relative.
 - c. Spouses, if each spouse is a parent, spouse, son, daughter, or next of kin of the service member, who both work for the city, and wish to take military caregiver leave may only take a combined total of 26 weeks of leave. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.
- (4) In any event where FMLA-qualifying leave is foreseeable by the employee, the employee will provide their immediate supervisor with advance notice of the leave request by submitting an **FMLA Leave Request Form (HR-112)**. In many instances, the need for FMLA leave may not be foreseeable by the employee. In those instances, the employee's immediate supervisor or department director will notify human resources of any circumstances that may qualify for FMLA, so that the city may decide whether to designate the leave as FMLA-qualifying for the employee.
- (5) The city will require the following information to be submitted in conjunction with a request for FMLA leave or where the city has designated the leave as FMLA qualifying:

- a. An FMLA Medical Certification Form, which can be obtained from the Department of Labor website (<https://www.dol.gov/whd/fmla/2013rule/militaryForms.htm>), will be required if FMLA leave is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of leave until it is provided, including a reason for the delay. The city, at its expense, may require an examination by a second health care provider designated by the city if the city has a reasonable question regarding the medical certification provided by the employee. Depending on the circumstance of the request the following forms should be used:
 1. An FMLA Certification of Health Care Provider of an Employee's Serious Health Condition Form (WH 380E) will be required to certify the employee's own serious health condition.
 2. An FMLA Certification of Health Care Provider for Family Member's Serious Health Condition Form (WH 380F) will be required to certify the employee's family member's serious health condition.
 3. An FMLA Certification of Qualifying Exigency for Military Family Form (WH 384) will be required if any of the qualifying exigencies stated in (2)(d)(1-8) apply.
 4. An FMLA Certification for Serious Injury or Illness of Covered Service Member (WH 385) will be required for care of an injured service member.
 5. An FMLA Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (WH 385V) will be required if FMLA is for the care of a veteran who was a member of the Armed Forces at any point in time within the five years preceding the date the veteran undergoes medical treatment, recuperation, or therapy.
- b. Employee may be asked to provide a new medical certification through the submission of the **FMLA Medical Update Form (HR-113)**:
 1. When the employee requests an extension of leave and the original medical certification states that serious health condition of employee or employee's family member will last a specified period and that period has ended.
 2. When circumstances described in the original medical certification have changed significantly, e.g., change in duration or frequency of employee's absence.
 3. When the original medical certification states that serious health condition(s) of employee or employee's family member will last indefinitely, the employee may be asked to provide a new medical certification, but no more frequently than every 30 days.
 4. The employee must provide the new medical certification within 15 calendar days; however, the city may provide a reasonable amount of additional time if the employee has been unable to obtain certification despite employee's diligent, good faith efforts.
- c. The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active-duty status of a covered military member, the city will require the employee to provide a copy of the covered military member's

active-duty orders or other military documentation which indicates the appropriate military status and the dates of the active-duty status.

- (6) Employees must use any accumulated sick, vacation, personal time, compensatory leave time, or other paid leave to the extent available during the FMLA leave period, unless such leave is covered under workers' compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of the employee's total accumulated leave will be treated as leave without pay, except in situations where the employee is eligible for Sick Leave Donation time as provided under Section 6 of this manual.
- (7) The city will require employees returning from FMLA leave for a qualifying event related to the employee's serious illness to provide an **FMLA Medical Release to Return-to-Work Form, (HR-114)**. Upon return from FMLA leave, the employee will be restored to their original or an equivalent position. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned their position with the city.
- (8) The city will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution for any portion of leave that is unpaid. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the city for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.
- (9) It may be medically necessary for some employees to use intermittent FMLA leave. The city will work with employees to arrange a reduced work schedule or leave of absence in order to care for a family member's serious medical condition or their own serious medical condition. Employees must follow normal call-in procedures as found in the Sick Leave Policy in Section 6 of this manual whenever using intermittent leave.
- (10) In addition, intermittent leave may be used for the birth or adoption of a child, or the placement of a child with the employee for foster care, provided that the employee and the city agree upon a scheduled use of intermittent leave for this purpose and any leave is concluded within 12 months following the date of the birth, adoption, or placement.

6.6 Pregnancy and Parental Leave

- (1) The city recognizes that employees may need to be absent from work to care for a newborn child or newly adopted or placement of a foster care child (referred to as parental leave in this policy), or due to a pregnancy-related condition (referred to as pregnancy leave in this policy). The city provides pregnancy and parental leave to all eligible employees in accordance with FMLA, Pregnancy Discrimination Act, ADA, Kentucky Pregnant Workers Act, and any other applicable law.
- (2) Human resources is responsible for the administration of this policy. If an employee has any questions regarding this policy, or if they have questions about pregnancy or parental leave that are not addressed in this policy, they should contact human resources.
- (3) If an employee needs to take parental leave for the birth of their child or to care for a newly adopted or foster care child, they should provide advance notice to their supervisor or human resources. **When possible, the employee should give at least a**

30-day notice of their request for leave. If a 30-day notice is not possible because of medical necessity or for other reasons, the employee should give as much advance notice to the city as possible.

- (4) Written notice is preferred, but not required.
- (5) If an employee is suffering from a pregnancy-related disability and requires reasonable accommodation (which may include leave) for this purpose, the employee should speak with their department director and/or human resources to discuss a reasonable accommodation. The employee may be required to submit medical certification of their disability.
- (6) All employees are eligible for up to six weeks of paid parental leave.
- (7) Short-term disability insurance may also be available for pregnancy leave. Please see human resources for information about short-term disability insurance, including eligibility requirements.
- (8) During pregnancy and parental leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law. For all other benefits, an employee on pregnancy or parental leave will receive the same rights and benefits as employees on a paid leave of absence.
- (9) The employee's job will be held in accordance with applicable law while they are on pregnancy or parental leave.
- (10) If an employee is on pregnancy-related disability leave, when the employee is able to return to work, they must submit a doctor's certification stating they are medically able to return to their normal duties. The employee's continued absence from work beyond their required disability leave period (as determined by their physician) and exhaustion of all other available leave may be deemed a voluntary abandonment of their job.
- (11) Nothing in this policy requires the city to reemploy individuals who are not eligible for reemployment rights under applicable law.
- (12) The city prohibits, and will not tolerate, discrimination or retaliation against any employee or applicant because of that person's pregnancy or parental leave. Specifically, no one will be denied employment, reemployment, promotion, any other benefit of employment, or be subjected to any adverse employment action based on that person's pregnancy or parental leave. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.
- (13) The city is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of our efforts depends on employees telling the city about inappropriate workplace conduct. If employees feel that they, or someone else, may have been subjected to conduct that violates this policy, they should immediately report it. If employees do not report such conduct, the city may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

6.7 Adoption Leave

- (1) An employee adopting a child under the age of 10 is eligible for up to six weeks of paid adoptive parental leave.
- (2) In addition, any other benefits the city may offer to employees who are birth parents following the birth of a child will also be available to employees adopting a child under the age of 10.
- (3) Adoptive parental leave and other benefits are not available to an adoption by fictive kin, stepparent, stepsibling, blood relative, including a relative of a half-blood, first cousin, aunt, uncle, nephew, niece, and a person of a preceding generation as denoted by prefixes of grand, great, great-great, or foster parent who adopts a foster care child who is already in their care.

6.8 Critical Incident Leave for Police Officers and Firefighters

- (1) Up to two working days of critical incident leave is provided to police officers and firefighters immediately following an officer or firefighter who is involved in an event resulting in a stressful impact that is sufficient to overwhelm their usual coping strategies. These events may include:
 - a. Officer involved shooting.
 - b. Fire or vehicle crash resulting in serious injury or death.
 - c. Being a victim of a felonious assault.
 - d. Death of a partner or colleague.
 - e. Death of someone in custody of the officer or that has been in the medical care of a firefighter.
 - f. Death of a child especially if the officer or firefighter has a child similar in age.
 - g. Incident involving multiple deaths.
- (2) A police officer or firefighter involved in a critical incident must make the request for this leave from their supervisor, upon:
 - a. The completion of that police officer's or firefighters' shift encompassing the critical incident.
 - b. When all necessary administrative procedures relating to a critical incident have been completed.
- (3) The leave provided under this policy will be paid to the police officer or firefighter at their normal rate of pay. Any leave beyond the two working days will be unpaid; however, any additional time needed by the police officer or firefighter may be covered by any of their available accrued leave time.
- (4) Whenever the use of critical incident leave is necessary, the employee will provide advance notice to their supervisor and the employee will submit a **Leave Request Form (HR-102)**. When possible, the employee will submit the form in advance of the leave. Otherwise, the employee will submit the form immediately upon return to work.

6.9 Bereavement Leave

- (1) All full-time city employees will be eligible for paid bereavement leave in the event of death in the employee's immediate or extended family. Bereavement leave will be granted on the following basis:
 - a. An employee will be authorized for up to three days of paid bereavement leave in the event of death of the employee's spouse, parent, child (including in the case of miscarriage at any term of pregnancy), sibling, or anyone permanently residing with the employee. This also includes other immediate family, such as siblings, grandparents, grandchildren, and spouse's siblings, parents, and grandparents.
 - b. An employee will be authorized for paid bereavement leave for up to one day in the event of death of an extended family member of the employee. For the purposes of this paragraph "extended family member" will be limited to uncle, aunt, cousin, niece, nephew, and spouse's immediate family, other than a spouse's parent.
 - c. An employee may be eligible for additional paid bereavement leave for extenuating circumstances, such as for traveling long distances and making family arrangements. In addition, other special relationships may exist where the employee may be eligible for one day of bereavement leave. In these instances, the employee should discuss the circumstance or the relationship with the employee's immediate supervisor, who will grant or deny such requests considering the workload, the employee's circumstances, and other pertinent factors.
- (2) Whenever the use of bereavement leave is necessary, the employee will provide advance notice to their immediate supervisor and the employee will submit a **Leave Request Form (HR-102)**. When possible, the employee will submit the form in advance of the leave. Otherwise, the employee will submit the form immediately upon return to work.

6.10 Unpaid Leave of Absence

- (1) Upon exhaustion of all paid leave time, any request for unpaid leave will be submitted to the employee's department director. The department director, in consultation with the mayor and human resources, will decide whether to grant the unpaid leave request and other terms of the leave depending upon the reasons for the requested leave and the needs of the department and the city.
- (2) If granted an unpaid leave of absence, an employee will not be compensated and will not receive any other employee benefits provided by the city, except as required by FMLA.
- (3) If an employee is out on FMLA the city will continue to pay its share of any group health care premiums paid by the city prior to the FMLA leave, while any share of the group health care premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If any employee-required portion of the group health insurance premium becomes more than 30 days late, while on unpaid FMLA leave, the city may terminate coverage retroactively. For continuation of all other employee paid optional benefits, such as life insurance, the employee will be subject to the terms and conditions of the specific plan, and the employee must prepay any applicable

contribution or premium during the period of the absence in order to maintain those benefits.

- (4) For any unpaid leave that does not qualify under FMLA, the employee will not receive any employee benefits provided by the city. As such, the employee must make an election as to COBRA coverage for group health care for the employee, as well as any qualified dependents. In addition, the employee will be subject to the terms and conditions of the specific plan to continue any optional benefits upon prepayment by the employee of the applicable contribution or premium during the period of the absence. Any failure by the employee to prepay any optional benefits may result in termination of the benefit.
- (5) Employees on unpaid leave will not accrue any vacation or sick leave time during the unpaid absence, except as provided by this policy.

6.11 Jury Duty and Court-Ordered Appearances

- (1) The city encourages employees to fulfill their obligation as citizens when called to serve jury duty or to comply with a court or administrative subpoena. An employee that is required to attend jury duty or comply with a court or administrative subpoena during their regular working hours at the city will be paid their full salary for the period of such service. An employee involved in litigation or court proceedings as a plaintiff or petitioner and who is not appearing before the court because of a duly issued subpoena will not be eligible for the paid leave provided under the provisions of this policy but may be permitted to use annual or compensatory leave time for such absences as provided in Section 6 of this manual.
- (2) The employee must provide a copy of the summons or subpoena to their immediate supervisor as soon as possible after receiving such notice.
- (3) The employee will submit a **Leave Request Form (HR-102)** showing the dates and times out of the office necessitated by the employee's service required by the court.
- (4) Any employee excused by the court during their normal working hours will contact their immediate supervisor to determine if they will be required to work the remainder of their normal work schedule.

6.12 Voting Leave

- (1) The city encourages its employees to vote on Election Day. In order to facilitate efficient scheduling and management of the office workload, an employee will request voting leave from the employee's supervisor at least one day in advance of the election date or one day in advance of the date on which the employee appears before the county clerk to request an application for or to execute an absentee ballot.
- (2) The supervisor will grant a reasonable period of voting leave (not less than four hours, if specifically requested by the employee) for an employee who is qualified to vote and who has requested voting leave in accordance with this policy. The city will not compensate the employee for the leave. The supervisor will specify the hours during which the employee may be absent.
- (3) Prior to using voting leave, the employee will submit a **Leave Request Form (HR-102)** showing the times the employee has been approved to be out of the office for voting leave.

- (4) An employee who requests and takes voting leave, but who fails to vote without an acceptable reason, will be subject to disciplinary action.

6.13 Military Leave

- (1) The city will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the provisions of KRS 61.373 through 61.377 and KRS 61.394. USERRA grants military leave for employees, and in most cases, reinstatement rights regardless of whether the service is voluntary or involuntary.
- (2) As the laws change, or as interpretations of the laws change, military leave benefits for city employees may change accordingly. No attempt is made by this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active-duty. Therefore, as military leave situations arise, an employee should consult with their immediate supervisor and human resources for details regarding their military leave rights as a city employee.
- (3) Unless precluded by military necessity, an employee will provide written notice to their immediate supervisor as soon as possible regarding the need for military leave.
- (4) In any one federal fiscal year (October 1-September 30), all full-time and part-time employees involved in military service for the United States or the Commonwealth of Kentucky are eligible, upon request of the employee, to be paid their normal wages for a maximum of 21 calendar days while on military leave. Employees will only be paid based on the days they would have been scheduled to work if not for military leave. Any unused military leave in a federal fiscal year will be carried over to the next year. Any unused military leave will expire two years after it has accrued.
- (5) An employee will be entitled to military leave without loss of time, pay, regular leave, impairment of efficiency rating, or any other employment rights or benefits to which the employee is entitled, while:
 - a. In the performance of duty or training in the service of a state or of the United States under competent orders as specified in this section.
 - b. Physically disabled as a result of an injury, illness, or disease incurred or aggravated in the line of duty while performing active-duty or inactive-duty training.
 - c. Entitled to incapacitation pay pursuant to 37 U.S.C. sec. 204.
 - d. Leave pursuant to paragraph (5) (b) and (c) will not exceed six months unless approved by the employee's appointing authority.
- (6) Benefits in paragraph (5) include employer contributions that would have been paid into CERS if the employee had not been on military leave. Employer-provided CERS contributions will only be paid to KPPA if the employee returns to work with the city upon an honorable discharge from the military.
- (7) Employees called to active-duty should fill out the **Active-Duty Military Leave Notification Form (HR-115)** as soon as practicable.