



CITY OF OAK GROVE

EMPLOYEE HANDBOOK
2024 EDITION



Prepared for the City of Oak Grove with assistance from
the Kentucky League of Cities Personnel Policy Services

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City of Oak Grove Mission Statement

We are committed to improving quality of life for our residents, businesses, and visitors by providing and maintaining essential services that meet the collective needs of our diverse community.

NOTICE

The City of Oak Grove Employee Handbook does not create any contractual or other legal rights. The personnel policies contained in this handbook do not alter the city's At-Will Employment Policy nor do they create an employment contract for any period. This handbook may be added to, terminated, or changed at any time by the City of Oak Grove.

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Section 1 – Introduction

About the City of Oak Grove Employee Handbook

The purpose of the City of Oak Grove Employee Handbook is to establish a uniform system for managing personnel matters for all city employees. This handbook 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 handbook are designed to reinforce the core values of the City of Oak Grove. 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 Oak Grove. 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.

City Government and Organization

The City of Oak Grove 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 legislative body called the city council. Kentucky Revised Statutes (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 of the 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 specifically 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 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 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, ordinances, 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 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 prevented by 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 except for city council staff.
- Appoint all nonelected officers as defined in KRS 83A.080 subject to council approval.
- Discipline and dismiss all city employees and nonelected 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, the mayor must do so 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. 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. KRS 83A.130(11) prohibits the council from performing any executive function except those functions assigned to it by statute. 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 administrator, the city clerk, the police chief, or to an employee.

There are two functions ordinarily performed by the mayor 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," e.g., a member of council. 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 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) states, "the legislative authority 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. KRS 83A.130(11). 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 by adopting an annual budget ordinance, 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.
- 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).
- Disapprove regulations promulgated by the mayor.
- 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.
- Appoint a new mayor or council member if a vacancy occurs in the office. KRS 83A.040.
- Remove elected officers for misconduct, inability, or willful neglect of office. KRS 83A.040(9).
- Change the manner of electing city officers by adopting the nonpartisan primary election process. KRS 83A.050(2).
- 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).
- Call special meetings upon written request of a majority of the council.

Effect, Amendment, and Application of Handbook Policies

- (1) The City of Oak Grove Employee Handbook (2024 Edition) contains information about the city's employment policies and procedures and an overview of the city's benefits. For specific information about employee benefits, refer to the plan documents which are controlling. The policies and procedures in this handbook are guidelines only. The city reserves the right to interpret and administer the provisions of this handbook as needed. The provisions of this handbook 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 handbook 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 handbook at any time with or without notice. However, the city will try to communicate any changes to all employees in a timely fashion.
- (3) Each employee should read and become familiar with the information contained in this handbook. Failure to comply with the city's policies or procedures may result in discipline up to and including termination.
- (4) The provisions in this handbook are not intended to in any way create any contractual obligations with respect to 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 handbook 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 law or as noted within the policy.

Employee Handbook

The accountant /human resources will ensure that a current copy of the employee handbook is prepared and distributed to all new and current employees. All employees are expected to read and sign the Handbook Acknowledgment ([HR Form 01](#)) within 30 days of employment or within 30 days of any amendment to the handbook. The accountant /human resources will maintain a copy of the form in the employee's personnel file pursuant to the Kentucky Department of Libraries and Archives (KDLA) Record Retention Schedule.

Administration of the City Personnel System

- (1) The City of Oak Grove's policies are applied and enforced by the mayor and supervisory employees, which include department heads. 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 accountant /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 the accountant /human resources, the city clerk, and/or 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 handbook.

Conflicting Policies

In the event of any conflicting policies, rules, or regulations, those that apply will be based on the following in descending order: KRS, City of Oak Grove Code of Ordinances, the City of Oak Grove Employee Handbook, and any departmental policy and procedures manual or written directives.

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

At-Will Employment

All city employees are at-will employees. This means 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 handbook 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.

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 department head or other supervisory or management staff in accordance with the Sexual and Nonsexual Harassment Policy within Section 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 accommodation. The city will provide reasonable accommodation to individuals qualifying under ADA only when that accommodation does not create an "undue hardship" to the city. See: <http://www.eeoc.gov/policy/docs/accommodation.html>.
- (2) Any employee who feels they may need accommodation to perform their essential job functions should notify their immediate department head in writing. Because analysis under the ADA requires an open dialogue between the employee and the employer,

the employee and the department head 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.

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 United States.
 - b. Requiring specific documents to complete Form I-9.
 - c. Retaliating against employees that file a charge or participate in an investigation.

Application and Advertisement of Vacant Positions

When a vacancy occurs, current city employees may be notified of the vacancy by placing written notices in strategic locations throughout city offices. Posted notices will include position title, summary of duties, position qualifications, and the time limit for applying. Employees who wish to apply for the position must present a completed Employment Application Form to accountant /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 positions 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 positions applicable. A completed Employment Application Form will be considered active for a period of six months.
- (2) The city clerk may advertise all vacant positions 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 positions will also contain the following statement, “An Equal Opportunity Employer.” Written announcements of vacant positions also may include, “Any applicant who needs an ADA accommodation in the employment selection process will request the accommodation from accountant /human resources.”

Application for Position

- (1) An Employment Application Form supplied by the city and completed by the applicant will include information about the applicant’s training, experience, and additional information as required. Upon request, applicants will be given a copy of the job description stating the duties of the position.
- (2) No person may be appointed to a position unless information on the official Employment Application Form is verified, and they meet the qualifications for the position as set forth in the position description.
- (3) The Employment Application Form must be signed and dated by the applicant.

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 written request through accountant /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.

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 the official Employment Application Form.
 - b. Written, performance, physical tests, 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 Administrative Officer/City Clerk
 - b. Chief of Police
 - c. Fire Chief
 - d. Finance Director
 - e. Public Works Director
 - f. Community Center Director
 - g. This may also include any other position that the city has created to be a nonelected office by city ordinance.

Employment of Family Members

Pursuant to the City's Ethics Ordinance, No. 2020-14,

- (1) No family member of an elected or appointed city official or current city employee shall be appointed to any office or position of employment if the elected or appointed city official or current employee will have any responsibility, directly or indirectly, to supervise, manage, or control the work of the family member.
- (2) As used in this policy, the term "family member" means a spouse, domestic partner, a child, or stepchild who is not emancipated and who resides in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes. "Domestic partner" means an adult, unrelated by blood, with which an unmarried or separated officer or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

- (3) Nothing in the City's Equal Opportunity Employment Policy established in [Policy 1.03](#) shall be interpreted as preventing the reasonable regulation of nepotism for reasons of supervision, safety, security, or morale.

Background and Reference Checks

- (1) It is the policy of the City of Oak Grove 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 employees' job duties involve working closely with other employees and/or the public, significant city-related driving, access to safety-sensitive and expensive tools and machinery, access to confidential information, or access to financial accounts. Therefore, criminal records may exclude candidates with certain criminal convictions that are determined to be job-related, as discussed below. This policy will help ensure that employment-related decisions utilizing pre-employment background checks are made in accordance with applicable law.
- (2) The city will perform pre-employment background checks on all candidates for employment once they have been offered the employment position by using the Background Check Release ([HR Form 03](#)). 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 department 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 requires that employees identify any arrests or criminal convictions and complete a self-disclosure form. The city will individually evaluate any criminal conviction disclosed by an employee prior to deciding that employee's suitability for initial employment or continued employment.
- (5) 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.
- (6) 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.
- (7) Under no circumstances is having a criminal history or conviction an automatic exclusion to a candidate's eligibility for employment.
- (8) All candidates are required to sign appropriate authorizations and consents to allow the city to perform any pre-employment background checks.

- (9) 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.
- (10) 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.
- (11) Pre-employment background checks should normally be completed after a conditional offer of employment to the candidate. Therefore, all job offers should be conditioned upon satisfactory completion of the pre-employment background checks.
- (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 department head. 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 and/or completion of the sentence.
 - c. The nature of the job held or sought.
- (15) The city will only consider final adjudications of guilt, e.g., 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 and case dispositions. 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 department heads 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 and may demonstrate that the applicant or employee will not be able to follow directions from their department head.
 4. The city does not generally disqualify applicants or dismiss employees for drug possession or drug 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. The account/human resources will request that the applicant or employee submit a written, signed statement regarding their criminal history. The mayor and the position department head will consider any and all information provided by each applicant or employee to determine whether the information provided sufficiently mitigates the circumstances of the disqualifying conviction pursuant to KRS Chapter 335B.

- (17) Credit checks are generally not part of the background check process and are not used to make hiring decisions. In certain positions, such as treasury functions and accounts payable/receivable, a credit check may be performed due to the nature of the responsibilities for such jobs, including access to city accounts, 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 an opportunity to explain their credit history prior to a final determination.

Medical Examinations

- (1) In reviewing an applicant's qualifications for certain positions and ensuring that currently employed workers are fit and capable of performing the essential functions of their positions, the City of Oak Grove, 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 in conformance with the requirements of the ADA and other federal, state, and local laws guaranteeing fair treatment and equal employment opportunity to individuals with disabilities and members of other protected groups.
- (3) Applicants for certain positions are required to undergo a post-offer physical examination that evaluates their fitness and ability to perform the essential functions of the positions for which they are being considered. All conditional offers of employment extended to candidates who are asked to undergo a physical examination are contingent on satisfactory completion of this requirement within the scheduled period.
- (4) In certain situations, the City of Oak Grove can require currently employed workers to undergo a physical examination that evaluates their fitness and ability to perform the essential functions of their position.

Employee Bonding

All applicants seeking city employment involving the handling of city funds or access to city financial accounts must 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.

New Employee Orientation

- (1) An orientation will be made available to all new employees as soon as possible after their first day of employment.
- (2) The orientation will consist of the following elements:
 - a. Explanation of the city's purpose and goals.
 - b. Overview of the city's management policies and procedures.
 - c. Other elements deemed appropriate.
- (3) A copy of the employee handbook will be made available to all employees at each workstation. A signed Handbook Acknowledgment Form of the original employee handbook 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.
- (4) New hires may be introduced to all city department heads during their first week of orientation as well as the mayor.
- (5) All new hires will be given a benefits package if they qualify. The accountant /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.
- (6) The new employee's schedule and job description will be discussed. The accountant /human resources will use the Job Description Review and Acknowledgment ([HR Form 02](#)) to ensure the employee understands expectations and is able to meet the physical requirements of the job. The form and the job description will be signed and placed in their personnel file, and a copy will be given to the employee.
- (7) The accountant /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.

Introductory Period for Police

- (1) Police officers will serve an introductory period of 12 months. If an officer is required to complete basic training to receive certification, the introductory period will begin after successful completion of basic training.
- (2) While serving under the initial introductory period police officers may be dismissed at any time without right of appeal, unless otherwise provided by law.

- (3) Performance of police officers will be evaluated on a continual basis during the introductory period of employment by the supervisor.
- (4) Completion of the introductory period in no way alters the at-will status of the employee with the exception of protections extended to police officers under KRS 15.520 Police Officer Bill of Rights.

Job Descriptions

- (1) The city considers the job description prepared and maintained for every position as 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 the accountant /human resources, with the assistance of the department heads, will review the city's job descriptions to ensure that they are accurate, complete, and up-to-date.
 - b. Whenever possible, the department head 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, the accountant /human resources will use the Job Description Review and Acknowledgment Form to ensure the employee understands the job's expectations and is able to meet the physical requirements of the job. The form and the job description will be signed and placed in the employee's personnel file, and a copy will be given to the employee.

Continuous Feedback on Employee Performance

- (1) Employee performance will be evaluated by department heads on a continuous basis.
- (2) Each January, department heads will meet with employees individually to set goals for the year.
- (3) Department heads will coach employees by recognizing positive performance and providing constructive feedback for improvement. Department heads will also regularly discuss employee progress toward their annual goals.
- (4) Department heads will promptly provide appropriate feedback following the employee's performance. Department heads will document these discussions on the Continuous Feedback ([HR Form 22](#)). The form will remain in the employee's personnel file.

- (5) For specific policies regarding evaluations for sworn police officers, refer to the Police Policy and Procedure Manual.

Personnel Records

- (1) A personnel file will be maintained for each city employee by accountant /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. Any additional information these 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 Form I-9 will be kept in a separate file in alphabetical order.

Change in Personal Information

- (1) It is the responsibility of each employee to promptly notify the accountant /human resources of any changes in personnel data by using the Change in Personal Information ([HR Form 20](#)). Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and similar status reports should be accurate and current at all times.
- (2) For necessary changes to be made without penalty, changes of marital status and dependents must be made within 30 days of the qualifying event.

Access to Personnel Files

- (1) The accountant /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) Employees who wish to review their own file should contact the accountant /human resources.
- (4) With reasonable advance notice, employees may review their own personnel file in the presence of the accountant /human resources.

Job References

- (1) All requests for job references and inquiries regarding an individual's employment with the city will be forwarded to the accountant /human resources for an appropriate response.
- (2) The city's policy on job references is to provide job positions, years of service, and rate of pay.
- (3) The law may also require disclosure of incidents of workplace violence involving the employee to a potential employer.

Record Retention

The city will maintain all city records pursuant to the KDLA Record Retention Schedule. Refer to [Appendix C](#) or the link for record retention schedules:
<https://kdla.ky.gov/records/Pages/default.aspx>.

Disciplinary Practices/Procedures

- (1) The city seeks to encourage employees to change problem behavior rather than focusing on punitive measures as a solution. In some instances, these efforts may fail or be an unsuitable response to an offense. In these cases, city department heads may use the following disciplinary procedures depending on the severity or frequency of the offense or problem behavior. Department heads may use any of these disciplinary methods at any time. This list does not require a progressive disciplinary methodology to be used by department heads:
 - a. Verbal warning, reprimand/coaching, or counseling by a department head.
 - b. Written reprimand/counseling by a department head.
 - c. Suspension with or without pay.

- d. Demotion and/or reduction in pay.
 - e. Termination of employment.
- (2) The department head will notify the mayor to initiate use of the disciplinary procedures in paragraphs (1) (c), (d), or (e) of this policy. The mayor will be responsible for informing and involving legal staff when this occurs.
- (3) Department heads using the disciplinary procedures outlined in paragraph (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 handbook or are conducted with the intent to correct reoccurring issues related to employee performance on the Disciplinary Form ([HR Form 21](#)).
 - b. Provide a copy of any written documentation related to the use of disciplinary procedures to the accountant /human resources for placement in the employee's personnel file.
- (4) For police officers any general personnel matter will be handled as stated above; however, any external complaint filed against a police officer or any violation of law enforcement procedures, will require the city to follow the process outlined in KRS 15.520 once the officer has completed the introductory period.

Demotion

- (1) An employee may be demoted upon recommendation of a department head on the Disciplinary Form 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.
- (3) All pertinent documentation of demotions, including the Disciplinary Form, will be entered into the employee's personnel file.

Suspension

- (1) The department head may:
 - a. Suspend the employee with pay until the mayor reviews the violation, provided the mayor has delegated this authority to the department head by executive order in accordance with KRS 83A.
 - b. Request in writing on the Disciplinary Form 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 as soon as practicable on the Disciplinary Form. The notice will include the reason(s) for and duration of the suspension, if known.
- (4) An employee 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.
- (7) All pertinent documentation of said suspension will be entered into the employee's personnel file.

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.
 - a. For police officers, KRS 15.520 applies to police officers that have completed the introductory period, and only to any external citizen complaint or a violation of law enforcement procedures, and requires a hearing conducted by the city in the manner prescribed by KRS 15.520.
 - b. For nonelected officers, KRS 83A.080 requires a written reason to be provided to the nonelected officer 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 date to assist the city in the smooth transition of their job duties.
- (3) Employees cannot use accrued leave time, e.g., vacation leave, sick leave, or personal leave, to extend the termination date. The employee's last day actually worked is the date of termination.
- (4) In the event of the termination of their employment for any reason, the employee must return all property of the city, including uniforms, keys, credit cards, mobile phones, computer software and hardware, proprietary and confidential materials, reports, and any other city property that may be in their possession. This property must be returned prior to the last day of their employment.

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

Layoffs (Reduction in Force)

- (1) The mayor may lay off an employee or employees because of lack of work or funds. The order of layoff 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, seasonal employees, and employees on an introductory period will be laid off before full-time employees within classes affected by layoff.
- (4) The mayor will notify the employees of the layoff in writing as soon as possible prior to the layoff. The notice will explain the reasons for and duration of the layoff, if known, and a copy of the layoff notice will be placed in the employee's personnel folder.
- (5) An employee who has provided 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.

Exit Interview

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.

Section 3 – General Employment Policies and Rules

Open Door Policy

- (1) The City of Oak Grove, encourages all employees/volunteers to meet with their immediate department head to discuss any employment issues or concerns that they may have. If the complaint is against a department head, or if the employee/volunteer simply feels more comfortable, they may discuss the issue with another department head or the mayor.
- (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 department head or the mayor.

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 handbook or a violation of any applicable federal, state, or local laws, or regulations to city supervisory staff, the Ethics Board, 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 handbook to their department head 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 handbook 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 handbook 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 regulations 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 handbook 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 department head of the request. Any employee who receives a request from 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.
- (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.

Ethics Complaints

- (1) The city will provide a dedicated section on its city website for filing ethics complaints. Employees will follow the process required by the city's ethics code in making reports regarding violation of the city's code of ethics, or they may direct any individual who is not employed by the city to the website for the purpose of making a complaint or expressing a concern. The city will not accept anonymous complaints and the website will require the individual submitting the complaint to identify themselves.
- (2) The website will provide the name, address, telephone number, and email address where all of the officers of the city, as well as the ethics board, may be contacted to receive complaints or hear any concerns related to the operations of the city.
- (3) All complaints alleging any violation of the ethics ordinance will be submitted to the ethics board. All complaints will be in writing, signed by the complainant, and will meet any other requirements established by the ethics board. The board will acknowledge receipt of a complaint within 10 working days from the date of receipt. The board will forward within 10 working days to each officer or employee of the city or city agency who is the subject of the complaint, a copy of the complaint and a general statement of the applicable provisions of the ethics ordinance. Further resolution of an ethics complaint will be in compliance with Section 35 of the city's ethics code.

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 department head, fellow employee, or a person other than an employee who has contact with the city employees. Sexual harassment is

unacceptable and is prohibited at work and in work-related settings such as business trips, business-related meetings, conferences, and employee-related social events. Behavior that constitutes sexual harassment includes but is not limited to:

- a. Deliberate, repeated, or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another employee.
 - b. Approval, recommendation, 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, coercing sexual acts, or suggestive, insulting, or obscene comments or gestures.
 - h. The display in the workplace of sexually suggestive objects, pictures, or reading material.
- (3) Any conduct that is intimidating or hostile and interferes with an employee's work performance is prohibited and will not be tolerated. This includes harassment because of an individual's race, religion, color, national origin, sex, sexual orientation, 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 promptly report the incident to their immediate department head, the city clerk, the city attorney, the mayor, accountant /human resources, or any other department head 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 Form 17](#)) 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. The accountant /human resources will inform the mayor of the 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 as well as the accountant /human resources 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 accountant /human resources will provide the mayor with a copy of the written report and/or an update of the action taken by management as a result of the finding. The mayor may recommend additional action and the mayor, or their designee 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 accountant /human resources will communicate the findings to the mayor and provide any additional information requested by the mayor. 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, an employee making a report under this policy will not be discriminated against or be subject to retaliation, in any way, for having made the report. If an employee suffers any discrimination or retaliation for making a report, the employee should immediately alert a member of management. Any person found to have discriminated or retaliated against an employee who makes a report will be subject to disciplinary action up to and including dismissal.
 - e. Any complaint involving an elected city officer will be submitted to the Ethics Board pursuant to the Ethics Complaints Policy in Section 3. The Ethics Board will determine the course of the investigation and the proper method to address the complaint.
- (5) The city recognizes that the question of whether a particular course of conduct constitutes sexual or nonsexual harassment requires a factual determination. The city 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 appropriate sanctions including discharge.
- (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.

Workplace Violence

- (1) The safety and security of all employees is of primary importance to the city. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals, by anyone on city property or off city property, while performing job duties related to the city will not be tolerated. These types of actions will lead to referral to appropriate law enforcement agencies for arrest and prosecution. City employees who exhibit this type of behavior will be disciplined or discharged. The city may take any necessary legal action to protect its employees 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 department head or the accountant /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 Oak Grove. 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 Oak Grove Employee Handbook 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 the City of Oak Grove Employee Handbook 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 civil and/or criminal personal liability.
 - d. An employee that uses a deadly weapon may incur criminal and/or civil 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.

Workplace Safety

- (1) The city prioritizes a safe working environment for its employees and the public. For the employee's protection, job-related injuries, accidents, or illnesses must be immediately reported 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 heads 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 stating that they have read and understand these practices, policies, or procedures which will then be placed in the individual employee's personnel file. Department heads 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 department head or any department head in which they feel comfortable.
- (6) Department heads will immediately report any unsafe or hazardous condition that has been reported to them or that the department head is aware of to the mayor.
- (7) Any employee or department head 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 heads 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. Under no circumstances should an employee operate any type of machinery or equipment while under the influence of drugs or alcohol.
 - d. Operating only equipment or machinery for which training or orientation has been received.
 - e. Warning coworkers of unsafe conditions or practices.
 - f. Following all safety and operating rules posted on equipment and machinery.
 - g. Refraining from horseplay at all times.
 - h. Wearing safety belts when operating city-owned vehicles or private vehicles when on city business.
 - i. 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 Safety and Health Administration (OSHA) rules and guidelines.
- (9) Periodic training will be arranged when appropriate in the judgment of the department head. Employees will be required to participate in all required safety-training programs offered by the city.

Reporting Work-Related Accidents

- (1) Employees are required to immediately report any work-related accidents, illnesses, or injuries. The proper reporting of such matters is critical to ensure that an employee receives all benefits to which 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 department head, as well as the accountant /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.
- (4) Accidents involving either city-owned vehicles or personal vehicles being operated for city business will be reported to the police department for investigation.
- (5) The city places great importance on 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.

Drug- and Alcohol-Free Workplace

- (1) The delivery of all public services in a safe, efficient, and effective manner is the city's mission. This mission is accomplished by establishing a drug and alcohol-free work environment, and 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, 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 Policy Acknowledgement (HR Form 05) 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.
- (4) This policy is intended to apply whenever anyone is representing or conducting business for the city. Accordingly, this policy applies during all work 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. Employees who insert chemicals into city water, as well as those that test water.
- (5) 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. *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.
 - c. *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.
 - d. *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.
 - e. *Canceled test* is a drug test that has been declared invalid by a medical review officer. A canceled test is neither positive nor negative.
 - f. *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.
 - g. *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. For purposes of this policy, the accountant/human resources is the DER.

- h. *Dilute specimen* is a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- i. *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 damage to 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.
- j. *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.
- k. *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 an employee for appropriate diagnosis, treatment, and assistance regarding employee alcohol or substance abuse.
 - 4. Follow-up services for an employee who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.
- l. *Evidentiary Breath-Testing (EBT) Device* 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.
- m. *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.
- n. *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, 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.

- o. *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.
- p. *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.
- q. *Non-negative test result* is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.
- r. *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.
- s. *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.
- t. *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.
- u. *Rehabilitation program* means a service provider that provides confidential, timely, expert identification, assessment, treatment, and resolution of employee drug or alcohol abuse and may include inpatient or outpatient programs as well as the EAP.
- v. *Safety-sensitive functions* are those essential functions of actions performed by employees and are considered to establish a HSAL position.
- w. *Substance* means drugs or alcohol.
- x. *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.
- y. *Substituted specimen* means a specimen with creatinine and specific gravity value that is so diminished that it is not consistent with normal human urine.
- z. *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 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 a 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 the specimen.
- aa. *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).
 - bb. *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.
 - cc. *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.

(6) 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 which 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 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, and the employee is required to provide a written release from their doctor or pharmacist indicating that the employee can perform their safety-sensitive functions.
- d. The use of beverages containing alcohol including any mouthwash, medication, food, candy, or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

(7) 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 all employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace while in uniform or while on city business.
- (8) 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.
- (9) 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 disciplined as defined in this policy.
- (10) 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.
- (11) 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.

2. An employee will not be placed into a position until the employee takes a drug test with verified negative results.
3. If an applicant fails a pre-employment drug, tampers with or attempts to tamper with a urine specimen in any manner, the conditional offer of employment will be rescinded.
4. When an employee being placed into a position submits a drug test with a verified positive result, the employee will be subject to disciplinary action.
5. If a pre-employment test is canceled, the city will require the applicant to take and pass another pre-employment drug test.

(12) 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 designee, 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 designee 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 into a situation which might endanger the physical safety of those present. The Reasonable Suspicion Observation Form 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 or their 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.

(13) 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, or 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 employees.

- 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 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, e.g., was performing training as instructed.
- d. Post-accident investigations must 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. (See the Post-Accident Documentation Summary and Checklist.) *Under no circumstances will the employee be allowed to drive themselves to the testing facility.*
- 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 reasons 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 law.

- 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.

(14) Random testing will be conducted as follows:

- a. All employees in HSAL 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 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. 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.
- e. Random tests can be conducted at any time during an employee's shift.
- f. Employees are required to immediately proceed to the collection site upon notification of their random selection.

(15) 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.

(16) Refusal to submit to a drug/alcohol test will be considered a positive test result, a direct act of insubordination, and will result in termination.

(17) The City of Oak Grove has adopted a zero-tolerance policy. Therefore, any verified positive test from a sample submitted as the result of a random, reasonable suspicion, post-accident, or return-to-duty drug or alcohol test will result in termination.

(18) Return-to-duty testing will be done as follows:

- a. The City of Oak Grove has a zero-tolerance policy as to positive employee drug or alcohol tests. However, an employee who voluntarily reports a drug and/or alcohol issue prior to being subject to any of tests in this section and who seek treatment will be allowed to do so by the city but the employee 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.
 - b. 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 and is known to be drug and alcohol-free and there are no undue concerns for public safety.
- (19) Employees will be required to undergo frequent, unannounced drug and alcohol follow-up testing upon return to duty. All employees will be required to undergo drug testing for a period of once per quarter for one year after the employee's successful completion of the EAP. Follow-up testing is separate, and in addition to the random testing, post-accident testing, reasonable suspicion testing, and return-to-duty testing.
- (20) Employee assistance program (EAP) information.
- a. Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The city's EAP is provided through Higgins (EAP Essential Anytime) and contains a level of care available for substance abuse treatment through an EAP provided for employees by the city. The EAP can be reached by calling **800.460.4374** or online at guidancesources.com.
 - 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. The decision to seek such benefits or not is the sole responsibility of the employee. All information concerning the use of the EAP 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 to include return-to-duty testing as directed by the SAP/EAP.

- 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.
- (21) 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.
- (22) Confidentiality of drug testing procedures and records are as follows:
- a. Drug/alcohol testing records will be maintained by the accountant/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 head 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 proceeding. 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 during an accident investigation.
 - g. If requested, records will be released by a federal, state, or local safety agency with regulatory authority over the city or the employee.
 - h. 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.
- (23) Any questions regarding this policy or any other aspect of the Drug- and Alcohol-Free Workplace Policy should be directed to the DER.

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 a direct supervisor and a subordinate in the same department 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, the accountant /human resources, or any department head in which the employee feels comfortable. The department head and employee should follow the guidance in the Sexual and Nonsexual Harassment Policy and/or the Workplace Violence Policy within Section 3. In addition, employees may use the city-provided EAP for any relationship issues.

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 department head and the mayor. This policy is 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 department head as soon as possible to discuss the situation and obtain permission to have the child accompany the employee while working. Factors the department heads 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. A child with an illness will not be allowed 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 the direct supervision of the employee parent.

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 special 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. One to two weeks' notice to generate releases is standard.

The mayor will work with city staff and members on releases pertaining to “breaking news” as needed.

- (3) To guarantee consistent quality and branding, all city publications will originate or be approved by the mayor. Ideally, at least one week’s notice should be given for the creation of a small publication or template. For large publications, a predesign review of the project will occur between the requesting employees and the mayor.

Hours of Operation and Work Schedules

- (1) Normal office hours are Monday through Friday, 8:00 a.m. until 4:30 p.m. Office hours may be modified due to evening meetings, other similar functions, or when weather or other circumstances require.
- (2) The work schedule of the individual employee will be established by the employee’s department head 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 department head that establishes a permanent work schedule for an employee deviating significantly from normal office hours will provide notification and details regarding the modified work schedule to 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 head should use good judgment in allowing employees to be off after an extended work shift due to emergency situations. If the department head has a question on how to handle an extended work shift due to emergency situations, they should contact the mayor.

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

Meals and Rest Periods

- (1) Unless other arrangements are made with the employee’s immediate department head, all employees are expected to take an unpaid lunch period of 30 minutes 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 department head 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 15 minutes during 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 the accountant /human resources.

Inclement Weather

- (1) Emergency closings will be authorized by the mayor. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the city clerk or other appointed person will notify department heads. Employees will be notified by their department heads.
- (2) If the city system remains closed for an entire day because of an emergency, all employees scheduled to work that day will be paid for the number of hours they were scheduled to work, including any applicable shift differential. Employees able to telecommute will be expected to work during regular working hours. If an emergency closing occurs during hours the city is open, employees will be paid for any remaining hours scheduled, including any applicable shift differential. 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, including any applicable shift differential. 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 leave or leave without pay equal to their regular work schedule hours for that day. The department head 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 department heads, regardless of radio or other announcements. Department heads 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 given time off on an hour-for-hour basis for any hours worked during the time period that are under 40 hours within the workweek. Any hours worked over 40 hours within the workweek are paid at one and a half times the rate (overtime). The ability to take the time off is at the request of the employee and requires the approval of the department head. All time off must be used within the same pay period.
- (7) The city clerk will notify the public and will post closing signs in the event the city opens late or closes early.

Standards of Performance and Conduct

- (1) Each employee is a representative of the city, both internally with coworkers and externally with citizens, contractors, business associates, affiliates, and others. As a representative of the city, each employee is expected to act professionally, honestly, ethically, courteously, and with integrity in all business transactions and interpersonal interactions while at work or in any 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. Misuse of leave time.
 - f. Intentional or unintentional violations of the policies and procedures in this handbook.
 - g. Inability to perform duties or requirements of the job because of the loss of necessary licenses or other requirements.
 - h. Discourteous behavior toward the public or other employees.
 - i. Theft or embezzlement of city property or assets.

- j. 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.
- k. Personal behavior, whether on- or off-duty, which discredits the city and is likely to damage the public reputation of the city.
- l. Falsification of records.
- m. Invasion of another's privacy.
- n. Assaulting or fighting.
- o. Conviction of a serious criminal offense which jeopardizes or is injurious to the city's property and security, its public reputation, or the interests of other employees, or which is incompatible with the due and faithful discharge of duties and responsibilities.
- p. Sexual or nonsexual harassment.
- q. Horseplay or pranks which threaten the safety and security of the workplace or are offensive to other employees.

Dress Code and Hygiene

- (1) As representatives of the city during 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 that 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 employees to maintain good hygiene and grooming while working. Facial hair is permitted if it is neat and well-trimmed. Rings through the nose, eyebrow, tongue, or body parts other than the earlobe visible to the public may not be worn while working. Tattoos will 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 preference.
- (4) An employee may be granted an exception to this policy by their department head or the mayor 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 causes 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 compensatory time for the time spent away from work.
- (6) To promote safety for the employees when traveling conditions are hazardous, the City of Oak Grove has instituted an “Inclement Weather Dress Code.” This dress code will be in effect on days when Christian County Schools have delayed or canceled classes due to inclement weather for that day. Employees may wear casual clothing such as jeans, sweaters, and flannel shirts as long as the clothing is in good taste and is free from holes and cuts. Footwear that are flat and have high traction soles are appropriate for these conditions and should be worn. Examples include hiking boots, snow boots, trail runners, or running shoes. No high heels or leather dress shoes will be worn. If a meeting was previously scheduled that requires different attire, shoes with heels or slick leather soles are to be carried into the office and changed into once inside.
- (7) An employee with questions regarding this policy should direct their inquiries to the accountant /human resources and/or the city clerk.

Outside Employment for Employees Other than Police Officers

- (1) Outside employment is defined as any paid employment performed by an employee in addition to employment with the city.
- (2) Any employee desiring to perform outside employment will first obtain written approval on the Outside Employment Request ([HR Form 24](#)) from the department head subject to the approval of the mayor. Approval may be granted provided that such employment does not:
 - a. Interfere with the performance of the employee’s duties.
 - b. Involve a conflict of interest or conflict with the employee’s duties.
 - c. Involve the performance of duties which the employee should perform as a part of employment with the city.
 - d. Occur during the employee’s regular or assigned working hours unless the employee is on vacation leave, compensation leave, or leave without pay. Employees on any form of sick leave, which includes the Family and Medical Leave Act (FMLA) or workers’ compensation leave, may not work outside employment pursuant to paragraph (4) below.
- (3) The employee will make arrangements with the outside employer to be relieved of duties in the event the employee is called for emergency service by the city.
- (4) An employee who is approved for sick leave, including FMLA and workers’ compensation leave or who is approved for limited duty, is prohibited from engaging in secondary employment. Employees who engage other employment or are self-employed while on authorized leave of absence or light duty will be terminated unless

written authorization has been granted prior to commencement of the leave of absence. The above limitations specifically do not apply to an employee's use of vacation leave, compensatory time, or absences resulting from a temporary reduction in force.

Uniforms

- (1) The annual budget process will determine the uniform policy of the city.
- (2) 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, while at work, and unless there is an applicable exclusion, will be considered taxable benefits and credited with additional income for the amount of the uniform expenses for tax purposes for each pay period.
- (3) 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.
- (4) 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. Two 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 the Internal Revenue Service (IRS) code section 132(a)(4).
 - b. Clothing not suitable for general wear.
 - c. Police officers 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 wearing the above-mentioned clothing while off duty will be subject to disciplinary action.
- (5) 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.

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.

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 these devices are made based on the employee's job functions. Employees who have been issued and who have accepted mobile telephones from the city are subject to certain requirements.

Employees who incur additional charges for the purchase of ring tones, other "extras" or overages, or incur charges for the use of "411" directory assistance will be responsible for those charges and will be invoiced for the amount.

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, rented vehicles, and the operation of personal vehicles while conducting business on behalf of the city. Department heads are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department.
- (2) Employees operating 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. 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.
 - c. 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.
 - d. 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 ([HR Form 04](#)). 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. The accountant /human resources will advise the employee's department heads and the mayor when a driving record meets this threshold.
 3. Problem drivers should be identified and if possible should be enrolled in a defensive driving training course.
- e. 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 heads 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 heads as long as such operation is essential in conducting city business. Department heads granting permission for non-city employees to operate city vehicles are responsible for ensuring that the driver is properly licensed, trained, and qualified to operate the vehicle.
- f. Only persons being transported in connection with official city business will be passengers in any city-owned vehicle.
- g. 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.
- h. 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.
- i. 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.
- j. Alcoholic beverages will not be transported or placed in any city-owned vehicle.
- k. An employee who operates a city-owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.
- l. 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 safe operation of the vehicle will be promptly reported to the driver's department head 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 department head.
- m. A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer.
 - n. 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.
 - o. Vehicles responding to emergency situations or those parked on job sites will be parked with due regard to safety and security considerations.
 - p. 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.
 - q. 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.
 - r. Backing guidelines for large vehicle and construction equipment are as follows:
 1. Whenever possible the driver will position the vehicle to avoid the necessity of backing.
 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 driver's 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.
- s. The employee will obey all city, county, state, and federal laws, and regulations.
- t. 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.
- u. 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.
- v. The employee and all occupants will always wear safety belts/safety restraints and all occupants of city-owned 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.
- w. No employee will operate a vehicle while normal vision is obstructed.

- (3) The city will not provide coverage for liability or physical damage to an employee's privately owned vehicle. Employees who use personally owned vehicles for city business should confirm that their personal auto insurance policy provides coverage for this use. Annual verification of insurance coverage will be requested.
- (4) Any employee who receives a citation or towing charge while operating a city-owned vehicle will notify the mayor and/or the city clerk, in writing, within 48 hours of receipt of the citation or towing charge.
- (5) An employee who operates a city motor vehicle is required to immediately notify the mayor and/or the city clerk of any motor vehicle violation conviction entered against the employee that involves driving under the influence (DUI), or which has resulted, or may result, in the suspension or revocation of the employee's motor vehicle license.
- (6) 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 the city clerk 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.

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 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 may be eligible for the assignment of a city-owned vehicle under 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 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 vehicles will be a taxable benefit. Employees who drive city-owned vehicles to and from work will be credited with additional gross income as required by current IRS regulations. 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 use a city gas card or submit receipts for refueling assigned vehicles should the use of a gas card not be possible in accordance with the Employee Expense Reports and Reimbursement Policy in Section 4.
 - 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 conditions, 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 the department heads.

- 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 vehicle other than as outlined in Section 3.
 - b. The employee will follow the Vehicle Use Policy as set forth in Section 3.
 - c. The employee will report accidents in accordance with the Vehicle Accident Reporting Policy in Section 3.
 - 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 fleet will be replaced at the city's discretion. In addition, the city may at its discretion revoke a vehicle assignment at any time or otherwise change the position or work requirements of the employee.

Distracted Driving

- (1) Employees will not use cellular telephones (including hands free) or any other mobile electronic devices while operating a motor vehicle to read or respond to emails and text messages, adjust a global positioning system (GPS), or to 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 while 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. Modifying voicemail greeting to indicate the employee is unavailable to answer calls or return messages while driving.
 - b. Informing clients, associates, and others of this policy and an explanation on why calls may not be immediately returned.
 - c. Pulling over to a safe place and putting the vehicle in "park" to make adjustments to a 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.

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 head.
 - 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.
- (2) The employee's department head 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 heads will notify the accountant /human resources of any injuries sustained by a city employee in accordance with the Reporting Work-Related Accidents Policy in Section 3. The finance director will immediately notify the city's insurance carrier.

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, email records, and to take appropriate action should unauthorized or improper usage be discovered. Inspecting, recording, or removing will be done on the basis of organizational needs, which include but are not limited to a determination that reasonable cause exists for belief that these policies or other applicable directives are being violated.
- (3) All employees 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 clerk.

- (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 personal computer to assist the employee in the performance of assigned duties outside of regular office hours, the employee will seek specific approval from the mayor 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, KDLA Record Retention Schedule, and the Email and Communications Retention Schedule as set out in Appendix C. 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 department head after consultation with the city clerk. 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) All internet data that is composed, transmitted, or received via the city's computer communications systems is part of the official city records, and as such, is subject to disclosure to law enforcement or open records requests. Consequently, employees should always ensure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.
- (11) 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 online connections and stored in the computer systems.

- (12) 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.
- (13) 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, or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, sexual orientation, age, disability, or religious or political beliefs, or any protected class.

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, Instagram, RSS, YouTube, Twitter, LinkedIn, and Flickr.
- (4) For purposes of this policy, "comments" include information, articles, pictures, videos, or any other form of communicative content posted on the city's social media sites.
- (5) The establishment and use by any city department of city social media sites are subject to approval by the mayor 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 IT and records management policies.
- (8) The designated coordinator of the social media sites will monitor content on the social media sites 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 Email and Communications Retention Schedule in Appendix C, including the time, date, and identity of the poster when available.
- (9) The city's website is oakgroveky.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) All social networking coordinators will be trained regarding the terms of the City Social Media Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy. When possible, the city's IT security policies will apply to all social networking sites and articles.
- (11) Employees representing the city via the city's social media sites must always conduct themselves as a representative of the city and in accordance with all city policies.
- (12) Comments placed on the social media sites are subject to the following guidelines:
 - a. The city, as a public entity, must abide by certain standards to serve all its constituents in a civil and unbiased manner.
 - b. The city's social media sites prohibit the posting of content and/or comments containing any of the following:
 1. Comments not topically related to the site or blog article being commented upon.
 2. Profane language or content.
 3. Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation, or any other protected class status.
 4. Sexual content or links to sexual content.
 5. Solicitations of commerce.
 6. Conduct or encouragement of illegal activity.
 7. Threats of violence or threats to public safety.
 8. Information that may tend to compromise the safety or security of the public.
 9. Comments posted by automatic software programs.
 10. Content that violates legal ownership interest of any other party.
 11. The city reserves the right to deny access to the city's social media sites for any individual who violates the City Social Media Policy at any time and without prior notice.
- (13) Departments within the city will monitor their social media sites for comments requesting responses from the city and for comments in violation of this policy.
- (14) 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.
- (15) All comments posted to any city social media sites are bound by the Social Media's Statement of Rights and Responsibilities and 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.

Employee Guidelines for Participating in Social Media

- (1) The city understands that social networking and internet services have become a common form of communication in the workplace and among citizens. 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 the employee's city email address and communicating in their official capacity will constitute conducting city business.
 - b. City employees will notify their mayor, their department head, and the IT department 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 heads may allow or disallow employee participation in any social media activities in their departments.
 - d. The employee should protect their 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 laws, 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 an employee publishes content on any website outside of the city and it has something to do with the work they do or is on a subject associated with the city, use a disclaimer such as: "The postings on this site are my own and don't necessarily represent the City of Oak Grove'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 the 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. Frame any comments, or opposing views, in a positive manner. Add value to the city through interaction by providing worthwhile information and perspective.
- (2) Guidelines for participating in social media by police officers and firefighters are contained within the Police Department Policy and Procedure Manual and the Fire Department Policy and Procedure Manual.

Employee Privacy Expectations

- (1) Notwithstanding issues addressed specifically in other provisions of this handbook, employees can expect a reasonable degree of privacy in the contents of their work areas, including desks, files, cabinets, closets, computers, and similar locations. However, when an employee is absent or otherwise unavailable the city may seek out for a legitimate business purpose, material believed to be contained in those work areas.
- (2) Department heads 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.

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, use of e-cigarettes, or chewing tobacco is not allowed:
 - a. In any city-owned building.
 - b. In any city-owned vehicle.
 - c. In any other place prohibited by law.
- (3) Designated smoking areas outside and away from entrances to city buildings will be specified for employees.

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.
- (2) All other city policies should be interpreted in relation to the Customer Service Principles outlined in [Appendix D](#).

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 in a computer or on paper, must be open for inspection unless the records are exempt by one or more of the exemptions found in the Act. The employee may inspect any nonexempt public record regardless of their identity.
- (2) The open records law gives private individuals the right to examine public records of public agencies within certain limits. (KRS 61.870-61.884). Records to be requested must be in writing.

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 department head responsible for the location or the work process. Anonymity as to this reporting cannot be guaranteed.
- (3) Suggestions should be submitted to the city clerk who will forward them to the mayor along with recommendations for approval or disapproval. Employees who submit suggestions that are approved may receive recognition at the city council meeting following implementation of the suggestion.

Section 4 – Employee Financial Practices, Reporting, and Reimbursement

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

Employee Expense Reports and Reimbursement

- (1) Business expenses may be charged to the city on a credit card issued to the employee in accordance with Use of City Credit Cards Policy in Section 4 or paid from the employee's private funds and reimbursed upon the submission of the documentation required under this policy.
- (2) An employee requesting reimbursement for business-related expenses made on behalf of the city will complete the Expense Report ([HR Form 18](#)). The employee will submit expenses and supporting documentation in the following manner:
 - a. Expenses will be submitted on at least a calendar-month basis. Expenses submitted for reimbursement are due to the city's accounts payable department within 15 days from the end of the month in which the expense was incurred. Employees will not include expenses from different calendar months on the same expense report.
 - b. Requests for reimbursement in expense reports will be accompanied by an itemized receipt and all supporting documentation, including itemized receipts when available. The employee will provide the business purpose, date, location, amount, and the persons being covered by the purchase on the receipt or in the supporting documentation. Failure to provide a receipt and other applicable supporting documentation will result in denial of the reimbursement unless the expense report is accompanied by an approved Missing Receipt Affidavit ([HR Form 19](#)). Credit card statements will not be accepted as evidence of a receipt.
 - c. All expense reports must be approved and signed by the employee's department head with the responsibility of budgeting and reviewing business expense information for the employee's department. The city's accounts payable department will review all expense reports prior to reimbursement for the purpose of determining compliance with city policies. The mayor's and city council's expense reports will be submitted to the city clerk and approved by the city council, in accordance with the city budget.
- (3) An employee who submits a fraudulent receipt or falsifies their expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
- (4) The city may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

Use of a City Credit Card

- (1) The city has authorized revolving city credit cards to be issued to certain officers and employees recommended by the mayor. City credit cards are for use in making operational business purchases, purchases related to meetings, and other legitimate business expenses as set forth in this policy.
 - a. Operational expenses are those expenses necessary for the running of the city. Examples include but are not limited to office supplies and equipment, other office-related expenses, computer supplies, and any other non-travel related expenses.
 - b. Meeting-related expenses include but are not limited to group meals, hotel meeting rooms, prepaid airfare, prepaid hotel accommodations, prepaid business car rental, prepaid conference and meeting registrations, prepaid expenses for meetings, and unanticipated event or travel needs.
 - c. These examples are not intended to limit credit card use for other legitimate business expenses.
- (2) Employees issued a city credit card for operational or meeting-related expenses will be subject to the following conditions:
 - a. Only legitimate business and operational-related purchases may be charged on a city credit card.
 - b. The city credit cards will not be used for personal expenses of any kind. If an expense is determined to be personal in nature, the expense must be immediately reimbursed. The mayor, upon review, may require reimbursement of a personal expense outside of this time frame.
 - c. All monthly credit card statements will be reviewed by the by the accounts payable clerk or their designee to determine compliance with city policies.
 - d. Itemized receipts of each transaction made using a city credit card must be submitted to the accounts payable clerk promptly for approval. The receipts will provide details on the business purpose, date, location, amount, and persons covered by the purchase. Credit card statements will not be accepted as evidence of a receipt.
- (3) The city will review the policy regarding credit card usage and credit card limits on an as-needed basis, but no less than every three years.

Employee Travel Expense Reimbursement

- (1) All city officers and employees will receive prior approval from the mayor and/or their immediate department head, based on the city budget, prior to any travel in the interest of the city within the state. Prior to any out-of-state travel, an employee will receive prior written approval through the submission of a Travel, Meeting, and Training Request ([HR Form 16](#)) to the finance department. The form will be reviewed and approved by the employee's immediate department head and the mayor. Any out-

of-state travel that has not been approved in the city operating or travel budget will be approved by amendment of the budget by the city council.

- (2) Registration for conferences and meetings will be performed by the city clerk or other designated staff. Before registration is complete, the employee will provide the city clerk with an approved copy of the Travel, Meeting, and Training Request Form. Employees should make an effort to provide this information in a timely manner so that the lowest possible registration fees may be obtained.
- (3) Reservations for overnight lodging will be made by the department head unless otherwise approved by the mayor. Before reservations are made, the employee will provide an approved copy of the Travel, Meeting, and Training Request Form to the finance department.
 - a. Reservations will be made in such a manner to secure the best available rate for safe, clean, and secure accommodation that are as close to the meeting location as possible. Every attempt should be made for stay in the hotel hosting the conference or meeting and to pay the conference room rate.
 - b. In-room movies, room service, mini-bar, use of hotel gym, spa or massage services, sauna facilities, or other additions to room bills are not reimbursable. Only usual and customary expenses are eligible for reimbursement.
 - c. A copy of the hotel folio or receipt showing proof of payment will be submitted by the employee for expense reimbursement.
- (4) Car rental reservations will be made by the department head unless otherwise approved by the mayor. The following guidelines will apply when rental reservations are made:
 - a. Standard, full-size, mid-size, compact, or economy models will be rented unless more than two persons are traveling together. Upgrades for other models are permissible if transporting materials, more than three individuals are traveling together, or other situations where cargo space is a factor. Unauthorized upgrades will not be reimbursed.
 - b. The refueling option should be taken if extensive driving is planned. If the refueling option is declined, the car must be returned with a full tank of gas.
 - c. Rental vehicles should be returned to the original rental location in order to avoid costly drop-off charges unless there are extraordinary circumstances or returning the rental vehicle to a different location would provide an overall cost savings to the city in comparison to other travel alternatives.
 - d. Additional collision insurance offered by the rental company will be purchased with the vehicle rental.
 - e. The Vehicle Accident Reporting Requirements Policy outlined in Section 3 will be followed in the case of an accident involving a vehicle rented by the city.

- (5) Employees may use a city-owned vehicle or their own vehicle for business travel on behalf of the city. Employees will adhere to the following process related to mileage reimbursement:
- a. Employees traveling by vehicle on behalf of the city will use an Oak Grove city-owned vehicle, if available. Vehicles will be reserved on a “first-come, first-served” basis.
 1. Employees using a city-owned vehicle will submit gas receipts for refueling a city-owned vehicle when using the city gas card. Should the use of the city gas card not be possible, the employee should submit their gas receipt showing that they paid out of pocket for reimbursement.
 - b. When an employee traveling on behalf of the city must use their personal vehicle, the employee will be reimbursed for mileage. An employee will be reimbursed at the mileage rate allowed by the IRS for business expense deductions under the following guidelines:
 1. An employee will not be reimbursed for transportation or commuting between the employee’s home and their permanent workplace.
 2. Mileage will not be reimbursed for attendance of a city function or event held outside of the workplace unless the employee has been assigned to work at the event.
 3. When an employee does not report to their permanent workplace or makes business trips before or after reporting to their permanent workplace, the allowable mileage is:
 - (a) The lesser of the mileage from the employee’s residence to the first stop or from the office to the first stop.
 - (b) All mileage between points visited on city business during the day.
 - (c) The lesser of the mileage from the last stop to the employee’s residence or from the last stop to the city office.
 4. To receive mileage reimbursement, the employee will state on their Expense Report Form the total number of miles traveled on city business as found on the Mileage Log ([HR Form 23](#)). The employee will include the starting points and ending destinations for each trip along with a description of the purpose of the travel. Any travel of a personal nature while on city business will be deducted from the total miles traveled.
 5. Parking violations and traffic or other moving motor violations are not reimbursable expenses.
 6. If the employee is involved in an auto accident while driving their own privately owned vehicle on city business, they will follow the

Vehicle Accident Reporting Requirements Policy outlined in Section 3.

- (6) Except for reimbursable expenses related to official city business as provided in Section 4, employees will only be provided reimbursement for meals involving overnight travel and for travel after 7:00 p.m. Meal and incidental reimbursement amounts will be determined using the federal per diem schedule for each meal as established by the U.S. General Services Administration (USGSA) at www.gsa.gov. The applicable rates are established and updated by the GSA on October 1 of each year and are available from the city clerk upon request. No receipts are required for per diem meal reimbursement and an employee will receive meal reimbursements in accordance with the following guidelines:
- a. For overnight travel an employee is responsible for identifying the city of travel and the associated per diem rates for each meal. The per diem amounts include the cost of the meal and gratuity and no additional amounts will be reimbursed. An employee will be reimbursed the per diem amounts for breakfast, lunch, dinner, and incidentals for full days of travel involving overnight stay. An employee will receive per diem reimbursement for only certain meals on both the first and the last day of travel, depending on the employee's departure and return times. The employee will use the per diems applicable to the city of primary destination. The city of primary destination is the city the employee is traveling to on days of departure and the city the employee is traveling from on days of return. If the employee is visiting multiple cities and has stayed overnight within the state, the employee will select one city to serve as the primary destination for calculation of the per diems for the day.
 - 1. Breakfast will be reimbursed if the employee departs for travel before 7:30 a.m.
 - 2. Lunch will be reimbursed if the employee is traveling through 2:00 p.m.
 - 3. Dinner will be reimbursed if the employee will not return until 7:00 p.m. or later.
 - b. For travel after 7:00 p.m. not involving an overnight stay, an employee may elect to be reimbursed the allowable dinner per diem applicable to the city the employee is traveling to or from. The city will include the reimbursement as additional income to the employee and applicable taxes will be withheld from the employee's gross pay.
 - c. The city will not reimburse a meal per diem allowance for any meal that is included in a registration fee for a conference or training, when the employee's meal is covered under a group meal receipt submitted under paragraph (e) of this section, or when a receipt has been submitted for reimbursement as an expense related to official city business as provided in Section 4. Conference or training functions where finger foods or hors d'oeuvres are served and continental

breakfasts provided by hotels or conference sponsors do not constitute meals and the employee is entitled to claim per diem for that meal.

- d. If the employee has attended a conference or training in conjunction with the travel, the employee is required to submit a detailed program agenda for per diem meal reimbursement.
- e. Employees may submit and receive reimbursement for a group meal receipt for more than one employee if the dining establishment is unable or unwilling to provide individual checks, provided that the total cost of the meal does not exceed the total allowable per diems for all the participating employees. An employee submitting a group meal receipt will follow the procedures required in the Employee Expense Reports and Reimbursement Policy in Section 4 or Use of a City Credit Card Policy in Section 4 when using a city credit card for documentation of the expense and will additionally state on the receipt that the receipt is for a group meal and the name of each participating employee. Employees covered by a group meal receipt will not be eligible for per diem reimbursement for that meal.

(7) The city will reimburse employees for the following expenses relating to parking:

- a. An employee may request reimbursement for parking fees for leaving a vehicle at an airport in conjunction with out-of-state travel on behalf of the city. For airport parking the employee will only be reimbursed for the long-term parking rate. If the employee uses short-term parking or valet services, the employee will only be reimbursed for the cost of long-term parking fees applicable at the airport of departure. As an alternative to airport parking an employee may elect to be reimbursed for the mileage related to being dropped off or picked up at the airport. The employee may be reimbursed the lesser of the mileage between the airport and the employee's residence or the mileage between the airport and the employee's permanent office or workplace. In no event will the amount of mileage reimbursement exceed the amount the employee would have spent on long-term parking.
- b. An employee will be reimbursed for parking at hotels or overnight lodging accommodation for business-related meetings or in conjunction with business travel for the city.
- c. All other business-related parking fees are reimbursable upon the submission of a valid receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 4.

(8) Employees should evaluate their individual circumstances and select the safest and most economical alternative when traveling to and from all destinations. Employees may be reimbursed for taxis, ride-sharing services, shuttles, public transportation, and rapid transit used for business-related transportation. Employees may be reimbursed for the payment of gratuities for taxi and ride-share drivers up to a maximum of 20% of the total fare. The employee will submit a receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 4.

- (9) Except as otherwise specifically provided in this policy, gratuities related to employee travel will not be a reimbursable expense.
- (10) The city will not reimburse or pay for the travel of an employee's family member or other guest. When a family member or other guest joins an employee on business-related travel, the employee or the guest is responsible for paying all travel costs, including airfare and meals.
- (11) Except for the travel-related expenses outlined in this policy, all other travel-related expenses are deemed non-reimbursable unless approved in writing by the mayor and accounted for in the city budget. An employee will submit their travel-related expenses for reimbursement on an Expense Report Form within 15 days after the end of the month in which the travel expenses were incurred as provided in Section 4.

Reimbursable Expenses Related to Official City Business

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

Alcohol Reimbursement Policy

No reimbursement will be made for alcoholic beverages.

Contract Review and Execution

- (1) All written contracts or contract renewals will be reviewed by the city attorney or their designee before execution.
- (2) Approval from mayor in accordance with the city budget and specifications as set by the city council is required prior to requesting the city attorney to draft a contract on behalf of the city.
- (3) The city clerk will provide a copy of the contract or the information necessary for drafting of the contract to the city attorney or their designee as soon as possible to expedite the review or drafting process.
- (4) All contracts made on behalf of the city will be signed by the mayor.
- (5) A copy of all executed contracts must be provided to the city attorney and the city clerk for tracking and filing purposes unless other arrangements have been made.

Cash Disbursements/Invoices

- (1) All invoices received through the mail go to accounts payable. Accounts payable will then create a purchase order to be approved by the finance director. The finance director will then cause a check to be generated which will be signed by two authorized city check signers.
- (2) No employee may give final approval for expenditures directly relating to themselves. All such expenses regardless of the dollar amount, must be approved by the employee's immediate department head and/or by the mayor.
- (3) Invoices received for payment will be paid in accordance with the terms stated on the invoice or by the negotiated agreement/contract.

Section 5 – Classification and Compensation

Employment Types and Classification

- (1) As used in this handbook, 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 100 hours in a single month on average 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, and 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.
 - f. “Volunteer” is someone who freely and without pressure or coercion performs hours of service for an agency participating in one of the systems administered by KPPA without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services or both. Nominal fees cannot exceed \$500 per month. If a member volunteers for more than one participating employer, all compensation will be added together to determine whether it exceeds the \$500 per month limit. Volunteer firefighters should refer to the VFD run policy as to their pay structure which is not to exceed the current maximum set by the FLSA.
- (2) Employees occupying full-time positions will be entitled to 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 and state laws and regulations. The classifications are for purposes of determining whether overtime compensation is due to the employee for hours 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 handbook, 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 5.
- 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 5.

Fiscal Year

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

Official Workweek

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

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 handbook.
- (2) Time off with pay such as holiday hours, vacation leave, and sick leave hours 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 department head 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. 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 department head 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) Exempt employees are not eligible for overtime compensation.
- (7) Police department overtime procedures will follow the Police Department Standard Operating Procedures (SOPs).

Compensatory Time

- (1) Pursuant to KRS 337.285, the city gives nonexempt city employees the option of receiving compensatory time off instead of overtime pay for overtime hours worked.
- (2) All compensatory 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 in Section 5).
- (3) The maximum number of compensatory hours that may be accrued is 40 for city employees and the accrued hours must be used as time off by the end of the next pay period. If this occurs, the compensatory time will be paid as overtime. 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 head in advance of any accrual on the Agreement to Accept Compensatory Time Off in Lieu of Overtime Pay ([HR Form 06](#)).
- (5) Requests for time off using accrued compensatory time must be done on a prior approval basis by the submission of the Absentee Request ([HR Form 09](#)). The request must have the approval of the employee's department head 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.

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 department head. 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 compensatory time, will be governed by the Compensatory Time Policy and the Overtime Policy within this handbook. 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 handbook.
- (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 handbook, with the explicit expectation for it to be used outside of normal working hours on an ongoing basis, will communicate each workweek with their department head 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 the mayor, and/or accountant /human resources, and/or the city clerk. Any department head that has required or is attempting to require “off the clock” work will be subject to disciplinary action.

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. Any public works employee called out to perform after hours work will receive a minimum of one hour pay or the actual time required to respond and complete the call, whichever is longer. Any call-out work occurring on or after the employee has worked 40 hours in the week will be paid at a time and a half overtime rate.
- (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) A public works employee assigned to on-call duty for the week will receive nine hours of guaranteed stand-by pay at a time and a half overtime rate.

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 by using the annual consumer price index (CPI) report. 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, pay analysis, and the consumer price index. 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 and length of employment; the employee's educational and professional achievements, including licensure and certifications; and commensurate pay for similar jobs in the marketplace.

Payroll Deductions

- (1) The city will make all legally required deductions from an employee's gross pay in accordance with applicable legal requirements, including:
 - a. Federal and state income taxes.
 - b. Social Security/Federal Insurance Contributions 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 benefits 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 the accountant /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 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 the accountant /human resources setting forth the dates, amounts, reasons, and any other information for the pay deduction. The accountant /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) 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 the accountant /human resources.

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. The accountant /human resources can furnish details on the requirements of direct deposit.

Time Records

- (1) Time records will be kept on all nonexempt employees to facilitate the city's compliance with overtime pay requirements. Nonexempt employees will submit time records through completion of Time Records ([HR Form 07](#)). The time record will reflect a single pay period consisting of two workweeks. Time must be logged as the total number of hours actually worked each day, excluding meal periods. Any vacation leave, sick leave, compensatory leave time, or other paid leave time used by the employee must be recorded on the Time Record Form.
- (2) Time records must be completed and submitted to the employee's department head no later than the Monday by 10:00 a.m. immediately following the end of the pay period on the preceding Friday. Department heads will review and approve or disapprove time records in a timely manner.
- (3) Except for the immediate department head 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 the employee's immediate department head who will determine the manner and method of correcting legitimate errors.

Unemployment Compensation Insurance

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

Section 6 – Health, Retirement, and Other Benefits

Limitations of Coverage

All insurance benefit coverages stated in the City of Oak Grove Employee Handbook are subject to plan document restrictions, if applicable.

Health Insurance

- (1) All full-time employees 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 the first day of the month following the date of hire.
- (2) 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 the accountant /human resources.
- (3) 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>.

Dental Insurance

All full-time employees may be eligible for dental insurance for themselves and their dependents beginning at the first of the month after the employee's first day of work. The city may provide the cost of dental insurance for each full-time employee. The employee may elect optional dependent coverage if the employee pays the additional cost for dependent or family coverage. Specific information about the city's dental insurance plan is available from the accountant /human resources.

Vision Insurance

All full-time employees may be eligible for vision insurance for themselves and their dependents beginning at the first of the month after the employee's first day of work. The city may provide the cost of vision insurance for each full-time employee. The employee may elect optional dependent coverage if the employee pays the additional cost for dependent or family coverage. Specific information about the city's vision insurance plan is available from the accountant /human resources.

Life and Disability Insurance

- (1) All full-time employees may be provided life insurance and long-term disability insurance coverage.
- (2) Life and long-term disability insurance coverage will be in the amount approved by the council as reflected in the annual budget. Specific information about the city's life and disability insurance plans is available from the accountant /human resources.

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. Flexible Spending Account
 - b. Accident Insurance
 - c. Bridge Medical Insurance
 - d. Cancer Insurance
 - e. Critical Illness Insurance
 - f. Life Insurance with a Long-Term Care (LTC) Rider
 - g. Short-Term Disability
 - h. Air Evacuation Life Team/Air Med Care
- (2) Specific information about all optional benefits plans is available from the accountant /human resources.

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 leave, vacation leave, 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 department head should counsel the employee in consultation with the city clerk 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.

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 the city clerk.
- (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 department head and/or the accountant /human resources who will see to necessary medical attention and assist in the completion of any required reports, including the Report of Work-Related Injury ([HR Form 08](#)). 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 department heads will contact the city clerk to report all work-related accidents and injuries.
- (3) Employees receiving workers' compensation for job-related injuries or disease may use sick and/or vacation leave to supplement the payment up to but not to exceed their regular rate of pay.

- (4) Vacation leave and sick leave benefits will continue to accrue while on workers' compensation leave for a period of 120 days.
- (5) For periods of three or more days see the FMLA within Section 7 of this policy.
- (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.

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 as defined in the Kentucky Workers' Compensation Act.
- (4) It is the responsibility of the injured employee to inform the evaluating physician of the employer's RTW 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 RTW Program, an employee must provide a written statement from the designated treating physician that they are:
 - a. Temporarily unable to perform their essential duties following an employment-related injury or illness; and
 - 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 RTW Program.
- (10) The employee must be seen and evaluated by a physician to determine if the employee is able to return to work and if so with or without restrictions.
- (11) At the time of the evaluation, the employer must inform the physician of the RTW 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 employee's department head in consultation with the mayor and the accountant /human resources, 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) 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.
- (16) Once the employee has been approved to participate in the RTW Program, the department 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.
- (17) 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.
- (18) Employees do not waive any rights to workers' compensation benefits by participating in the RTW Program. Employees participating in the RTW 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.
- (19) 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 physician.
- (20) 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 they can request a leave of absence or the employer can address termination.
- (21) 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.
- (22) The department has the option to approve or deny the leave of absence request. If leave without pay is denied pursuant to the city's Unpaid Leave Policy, employment with the city will be terminated.

- (23) If the employee believes that the condition is permanent, progressive, or chronic, they may pursue the ADA Policy in Section 2 to determine if they are a qualified individual with a disability.

Retirement Plan and Social Security

- (1) Employees who work in a regular full-time position who are not serving within an introductory period for the city must 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 retirement plan upon the first day of employment. The percentage of contribution may change annually and is based on hazardous and nonhazardous positions. The contribution amount is set by the Commonwealth of Kentucky. For more information about the KPPA, contact the accountant /human resources, KPPA via their website <https://kyret.ky.gov>, or by phone at **800-928-4646**.
- (4) Pursuant to KRS 61.592(1)(a), "hazardous position" for participating KERS employees as well as CERS employees means:
 - a. Any position whose principal duties involve active law enforcement, including the positions of probation and parole officer and commonwealth detective, active fire suppression or prevention, or other positions, including but not limited to pilots of the Transportation Cabinet and paramedics and emergency medical technicians, with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning.
- (5) 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.

Longevity Awards

- (1) In order to recognize the achievements and loyalty of its employees, it is the policy of the city to give length of service awards to its employees by the end of the calendar year, subject to budget approval. Length of service awards will be given effective

January 2024 and paid to employees who were considered to be full-time employees during the calendar year each December, beginning December 2024, as follows:

1-5 years	\$250
6-10 years	\$275
11-15 years	\$300
16-20 years	\$325
More than 20 years	\$350

- (2) Years of service will be based on the number of years of service as of December 1 of each year.
- (3) Awards given will be subject to all applicable taxes.

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 following link, <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service-or-the-account/human-resources>.

Professional Membership, Training, Licensing, and Certification

- (1) Certain positions of employment with 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 head and/or mayor of any membership, training, certification, and license that may be covered under this policy by April 1 so that the 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 head and the mayor and included in the city budget.
- (3) An employee's department head 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 7 – Paid and Unpaid Leaves

Holidays

- (1) All full-time city employees will receive paid leave for the following holidays with part-time employees receiving four hours pay:
 - a. New Year's Day
 - b. Martin Luther King, Jr. Day
 - c. Washington's Birthday
 - d. Memorial Day
 - e. Juneteenth
 - f. Independence Day
 - g. Labor Day
 - h. Columbus Day
 - i. Veterans Day
 - j. Thanksgiving Day
 - k. Day after Thanksgiving
 - l. Christmas Eve
 - m. Christmas Day
 - n. New Year's Eve
- (2) Unless otherwise designated by the city council, paid holidays will be observed on the date of their actual occurrence. If any of the holidays fall on a Saturday or Sunday, the mayor will designate alternative workdays for the city employees to receive paid leave.

Any employee who is required to work on the actual holiday will be paid regular time for all hours worked in addition to eight hours of holiday pay. Police and dispatcher who work on a holiday are paid for hours actually worked on the scheduled city holiday at their regular rate of pay and additionally may take the city holiday as a floating holiday equal to their normal shift by December 31.

Vacation Leave

- (1) All full-time employees will receive paid vacation leave. Vacation leave begins to accrue on the first day of the month following the employee's hire date. For instance, an employee beginning work on July 1 will accrue vacation leave as of August 1. Part-time employees, temporary employees, and seasonal employees will not be eligible for paid vacation leave. Vacation leave will be granted to an employee each calendar year on the following basis:

- a. A full-time employee will receive 1.54 hours per pay period, or 40 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 3.08 hours per pay period, or 80 hours (two weeks) per year, for the second through the fourth year of employment.
 - c. A full-time employee will receive 4.62 hours per pay period, or 120 hours (three weeks) per year, for the fifth through ninth year of employment onward.
 - d. A full-time employee will receive 7.69 hours per pay period, or 200 hours (five weeks) per year, for the tenth year of employment onward.
 - e. Vacation leave begins to accrue on the first day of employment.
- (2) An employee will receive advance approval from their immediate department head prior to the use of any vacation leave time by the submission of an Absentee Request Form in accordance with Section 7. Requests for use of vacation leave time should be made as soon as possible to ensure minimum disruption to the department and the organization work schedule and workflow. In no event will an employee be permitted to take more than 10 consecutive days of vacation leave without the express approval of the mayor.
 - (3) An employee may carry over a maximum of 400 hours of accrued and unused vacation leave time to the next calendar year with the amount of annual accruing occurring over and above the 400 hour annual limit. For instance, a ten year employee on January 1 with 400 hours would be eligible to accrue a maximum of 600 hours of vacation leave for the year.
 - (4) Upon termination of employment, an employee that has completed 90 days of city service will be paid for any vested but unused vacation leave time up to 200 hours. The employee will be compensated at the regular hourly rate earned by the employee at the time of the separation. The applicable hourly rate for both exempt and nonexempt employees will be calculated as provided in Section 5.

Personal Leave Time

- (1) A full-time employee will receive two paid personal leave days each year which may be used by the employee for any purpose. A newly hired employee that begins work with the city after July 1 will not receive personal leave until their first full calendar year of employment.
- (2) An employee will not accrue personal leave. All personal leave time will expire at the end of the calendar year if not used.
- (3) An employee will receive advance approval from their immediate department head prior to the use of any personal leave time by the submission of an Absentee Request Form in accordance with Section 7. Requests for use of personal leave time should be made as soon as possible to ensure minimum disruption to the department and the organization work schedule and workflow.

- (4) An employee will not receive compensation for any unused personal leave time upon separation from employment.

Sick Leave

- (1) All full-time employees will receive paid sick leave each calendar year in the amount of eight hours per month or 96 hours per year. Part-time employees, temporary employees, and seasonal employees will not be eligible for paid sick leave.
- (2) Sick leave time begins to accrue on the first day of the month following the employee's hire date. For instance, an employee beginning work on July 1 will accrue sick leave as of August 1.
- (3) 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.
 - c. Because mental health is an integral part of overall wellness, the city allows employees to take advantage of sick leave for occasional "mental health days."
- (4) An employee using sick leave time will notify their immediate department head as soon as possible of the need to use sick leave. For periods of leave longer than one full day, the employee will notify their department head of each separate day that leave will be used unless prior arrangements have been made.
- (5) Whenever an employee uses sick leave time, the employee will submit an Absentee Request Form in accordance with Section 7. When possible, the employee will submit the form in advance of the leave. Otherwise, the employee will immediately submit the form upon return to work.
- (6) Notwithstanding the requirements for FMLA leave, a medical certification or physician's statement will generally not be required to return to work after the use of sick leave. However, an employee's department head 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 three full workdays.
- (7) An employee may carry over an accumulated maximum of 480 hours (12 weeks) of unused sick leave time to the next calendar year.

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 a medical emergency or for maternity or parental leave. A medical emergency is a medical condition of an employee or their family members 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 the accountant/human resources 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-law, 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. The employee must have at least 80 sick leave hours accrued after the donation of sick leave hours to another employee.
 - b. The employee may not donate in excess of 80 hours per employee per calendar year. Sick leave may be donated in eight-hour increments only.
 - c. Employee must sign a statement of understanding contained in the Sick Leave Donation Registration ([HR Form 11](#)) 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 due to a verifiable personal or family member's catastrophic illness or injury.
 - e. An employee must provide medical certification of inability to work or certification of a serious illness of a family member.
 - f. Employee must sign a statement of understanding contained in the Application for Use of Sick Leave Donation Time ([HR Form 12](#)).
 - g. Provided an employee meets or exceeds the above criteria, the employee may receive 480 hours donated sick time from other city employees they may use donated time at the same rate they are receiving is normally scheduled to work. For example, a 20-hour per week employee may not receive and be paid

for more than 20 hours donated per week; an employee working 40 hours per week may not receive and be paid for more than 40 hours per week.

- (5) There will be no accrual of vacation leave 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) The accountant /human resources will process donations of sick leave time on the next pay period upon the receipt of authorization, 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 on a prorated basis, e.g., an employee who donates 25% of the total sick leave hours donated will receive 25% of the sick leave hours donated but not used.

Vacation Leave Donation

- (1) The purpose of this policy is to establish guidelines and procedures for the administration of the Vacation Leave Donation Program. This program permits city employees to donate a portion of their accrued vacation leave time for the use of other employees who are experiencing a medical emergency or for maternity or parental leave. A medical emergency is a medical condition of an employee or their family members 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 vacation leave time by another employee is permitted after accountant /human resources determines the receiving employee's eligibility.
- (2) Employees may donate accrued vacation 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-law, or other permanent members of the employee's household.
- (3) An employee wishing to donate vacation leave hours to another employee must meet the following criteria:
 - a. The employee must have at least 80 vacation leave hours accrued after the donation of vacation leave hours to another employee.

- b. The employee may not donate in excess of 80 hours per employee per calendar year. Vacation leave may be donated in eight-hour increments only.
 - c. Employee must sign a statement of understanding contained in the Vacation Leave Donation Registration (HR Form 26) regarding the vacation leave donation and its effect on the employee's accrued vacation leave.
- (4) An employee who meets the following criteria will be eligible to receive donated vacation 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 vacation 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 due to a verifiable personal or family member's catastrophic illness or injury.
 - e. An employee must provide medical certification of inability to work or certification of a serious illness of a family member.
 - f. Employee must sign a statement of understanding contained in the Application for Use of Vacation Leave Donation Time (HR Form 26).
 - g. Provided an employee meets or exceeds the above criteria, the employee may receive 400 hours of donated vacation time from other city employees they may use donated time at the same rate they are receiving as normally scheduled to work. For example, a 20-hour-per-week employee may not receive and be paid for more than 20 hours donated per week; an employee working 40 hours per week may not receive and be paid for more than 40 hours per week.
- (5) There will be no accrual of vacation leave or sick leave as a result of using donated vacation leave hours.
- (6) An employee who has received donated vacation leave time must return to work at the earliest possible date the employee is fit to work, regardless of the availability of vacation 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) The accountant /human resources will process donations of vacation leave time on the next pay period upon the receipt of authorization, ensuring that the hours donated will be transferred to the receiving employee's vacation leave account.
- (8) An employee receiving vacation 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 vacation leave time will be subject to any usual deductions on incomes, e.g., federal and state taxes, retirement, etc.
- (10) Vacation leave hours donated but unused will be returned to the employees who donated the time on a prorated basis, e.g., an employee who donates 25% of the total vacation leave hours donated will receive 25% of the vacation leave hours donated but not used.

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 of a child, adoption of a child, or placement of a child with the employee for foster childcare. 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, bonding with a newborn child, adoption, or placement of a child in foster care, 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. Brother and sister.
 - 3. Grandparent.
 - 4. Aunt and uncle.
 - 5. First cousin.
 - 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 servicemember, 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 department head with advance notice of the leave request by submitting a FMLA Leave Request ([HR Form 13](#)). In many instances, the need for FMLA leave may not be foreseeable by the employee. In those instances, the employee's immediate department head will notify the accountant /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. A 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)(1-9) 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 ([HR Form 14](#)):
 1. When the employee requests an extension of leave and the original medical certification states that serious health condition of the employee or the 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 conditions of the employee or the 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 leave, vacation leave, 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 7.
 - (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 ([HR Form 15](#)). 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 reduced work schedules 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 7 whenever using intermittent leave.
- (10) Since leave taken because of the birth or adoption of a child must be completed within the 12-month period beginning on the date of birth or placement of the child, FMLA leave taken for this purpose may not be taken intermittently.

Pregnancy and Parental Leave

- (1) The city recognizes that employees may need to be absent from work to care for a newborn child, newly adopted child, 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 of absence to all eligible employees in accordance with FMLA, Pregnancy Discrimination Act, ADA, Kentucky Pregnant Workers Act, and any other applicable law.
- (2) The city clerk 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 the city clerk.
- (3) If the employee is suffering from a pregnancy-related disability and requires a reasonable accommodation (which may include leave) for this purpose, the employee should speak with the accountant /human resources to discuss reasonable accommodation. The employee may be required to submit medical certification of their disability.
- (4) All employees are eligible for two weeks of paid parental leave.
- (5) Certain employees are eligible for unpaid pregnancy and parental leave under FMLA. Specifically, the employee is eligible for FMLA leave if the employee:
 - a. Has worked for the city for at least 12 months (which need not be consecutive).
 - b. Have worked 1,250 hours over the 12 months preceding the leave.
 - c. Are employed at a worksite with 50 or more employees within 75 miles.
- (6) The employee should contact the accountant /human resources with any questions about their eligibility for FMLA leave. The employee may be required to use any accrued and unused leave time while on FMLA leave. For more information see the city's FMLA Policy.
- (7) Employees may use any or all their accrued but unused vacation or other paid time off during their pregnancy or parental leave.

- (8) Short-term disability insurance may also be available for pregnancy leave. Please see the accountant /human resources for information about short-term disability insurance, including eligibility requirements.
- (9) During pregnancy and parental leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law. For all other benefits, an employee on pregnancy or parental leave will receive the same rights and benefits as employees on an unpaid leave of absence.
- (10) The employee's job will be held for them in accordance with applicable law while they are on pregnancy or parental leave.
- (11) If the 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 the employee's job.
- (12) Nothing in this policy requires the city to reemploy individuals who are not eligible for reemployment rights under applicable law.
- (13) 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.
- (14) The city is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of the city's 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.

Adoption Leave

- (1) An employee adopting a child under the age of 10 will be granted reasonable personal leave that does not exceed six weeks.
- (2) In addition, if the city provides paid leave or any other benefits to employees who are birth parents following the birth of a child, the same paid leave and/or benefits will be available to employees adopting a child under the age of 10.
- (3) This leave is 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 care parent who adopts a foster care child who is already in their care.

Critical Incident Leave for Police Officers and Firefighters

- (1) Up to two working days of critical incident leave is provided to police officers when an officer is involved in an event resulting in a stressful impact that is sufficient to overwhelm a police officer's usual coping strategies as defined in KRS 15.518 and the police department SOPs.
- (2) A police officer or firefighter involved in a critical incident must make the request for this leave from their supervisor as described in the police department or fire department SOPs.
- (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 an Absentee Request Form in accordance with Section 7. 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.

Paid Leave for Volunteer Activity

- (1) As an organization focused on the enhancement of the quality of life in the city, the City of Oak Grove encourages its employees to participate in and support volunteer activities that improve and serve the city and the county. While the city may sponsor events throughout the year where employees may collectively volunteer during normal working hours, any full-time employee is eligible to take paid leave for a maximum of eight hours per calendar year to volunteer with a nonprofit organization or a government agency to participate in activities that provide an opportunity for meaningful community engagement within the city and county.
 - a. Examples of activities that meet the purposes of this policy include but are not limited to volunteering in disaster recovery, food banks and kitchens, homeless shelters, community cleanup initiatives, and involvement on a nonprofit board of directors.

- b. Examples of activities that do not meet the purposes of this policy and that will not be approved include but are not limited to involvement with any partisan political activity, with organizations that discriminate based on any protected class as outlined in this handbook, coaching a family member's sports team, attending a family member's school functions, or attendance at a professional, religious, or personal interest conference.
- (2) An employee wishing to use the paid leave time provided by this policy will submit a Volunteer Time Off/Blood Donation Request ([HR Form 10](#)) to their department head. The leave request must be approved by the employee's department head prior to the employee's use of time under this policy. A department head will consult with the accountant /human resources and/or mayor if the employee's selected activity is questionable as meeting the purposes of this policy.
- (3) An employee that has received prior approval for a request submitted under this policy will report the leave time in accordance with this handbook.
- (4) An employee will be credited with leave time under this policy on January 1 of each year. A newly hired employee will not receive credit until the first day of January occurring after they begin employment with the city. All volunteer leave time will expire at the end of the calendar year if not used. An employee will not receive compensation for any unused volunteer activity leave time provided in this policy upon separation from employment.

Blood Donation Leave

- (1) The city recognizes the need for blood donation within the community and encourages employees to donate. Employees who wish to donate whole blood may receive four hours leave time with pay for the purpose of donating and recovering from the donation up to two times per calendar year for a total of eight hours paid leave.
- (2) An employee wishing to use the paid leave time provided by this policy will submit a Volunteer Time Off/Blood Donation Request (HR Form 10) to their department head. The leave request must be approved by the employee's department head prior to the employee's use of time under this policy.
- (3) The donation must occur during an employee's scheduled work hours in order to qualify for leave which does not include the lunch period. All employees are permitted to donate blood at any licensed blood center certified by the Food and Drug Administration (FDA). All employees are required to submit verification to their department head of blood donation or their deferral from the blood center.
- (4) An employee will be credited with leave time under this policy on January 1 of each year. A newly hired employee will not receive credit until the first day of January occurring after they begin employment with the city. All blood donation leave time will expire at the end of the calendar year if not used. An employee will not receive

compensation for any unused blood donation leave time provided in this policy upon separation from employment.

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 in the employee's immediate family. For the purposes of this paragraph "immediate family" will mean the employee's parent, domestic partner, spouse, child (including in the case of a miscarriage at any term of pregnancy), grandparent, grandchild, brother, sister, spouse's parent, or anyone permanently residing with the employee.
 - b. An employee will be authorized for paid bereavement leave for up to three days in the event of death of an extended family member of the employee and upon approval by the mayor. For 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 three days of bereavement leave. In these instances, the employee should discuss the circumstance or the relationship with the employee's immediate department head 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 department head and the employee will submit an Absentee Request Form in accordance with Section 7. When possible, the employee will submit the form in advance of the leave. Otherwise, the employee will immediately submit the form upon return to work.

Unpaid Leave of Absence

- (1) All employees with two or more years of city employment are eligible to request an unpaid leave of absence.
- (2) A request for a short-term leave of absence for a period of one month or less will be submitted in writing to the employee's department head. The department head in consultation with the mayor will decide whether to grant the leave request based on the reasons for requested leave and the needs of the department. If granted, the employee will not be compensated but will continue to receive all other benefits of employment during the duration of the short-term leave.

- (3) A request for a long-term leave of absence for a period of more than one month but less than one year will be submitted to the employee's department head. The department head in consultation with the mayor and the accountant /human resources will decide whether to grant the leave request and other terms of the leave depending upon the reasons for the requested leave and the needs of the department and the city. If granted a long-term leave of absence, an employee will not be compensated and will not receive any other employee benefits provided by the city. However, the employee may, subject to the terms and conditions of the specific plan, continue health, life, and disability insurance coverage, and retirement plan coverage, upon payment by the employee of the applicable contribution or premium during the period of the absence
- (4) Upon exhaustion of all paid leave time, any request for an unpaid leave will be submitted to the employee's department head. The department head in consultation with the mayor and the city clerk 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) Employees on unpaid leave will not accrue any vacation leave or sick leave time during the unpaid absence, except as provided by this policy.

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 7.

- (2) The employee must provide a copy of the summons or subpoena to their immediate department head as soon as possible after receiving such notice.
- (3) The employee will submit an Absentee Request Form in accordance with Section 7 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 department head to determine if they will be required to work the remainder of their normal work schedule.

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 department head 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 department head will grant a reasonable period of voting leave (not less than four hours if requested) for an employee who is qualified to vote and who has requested voting leave in accordance with this policy. The city will compensate the employee for the leave. The department head will specify the hours during which the employee may be absent.
- (3) Prior to using voting leave, the employee will submit an Absentee Request Form in accordance with Section 7 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.

Military Leave

- (1) The city will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 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 or the city clerk 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 paragraphs (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) During periods of military leave of two years or less, the employee will be paid a salary to supplement military compensation so that the aggregate compensation received by the employee will be no less than the employee's normal compensation for the period of military leave.
- (8) Employees called to active duty should fill out the Active-Duty Military Leave Notification ([HR Form 25](#)) as soon as practicable.

Absentee Request Form

- (1) The Absentee Request Form is available to employees from the accountant /human resources and in the appendix to this handbook and on the city's shared drive. When this form is submitted by the employee, the form will be sent directly to the employee's immediate department head who will be responsible for exercising managerial discretion in deciding whether to approve or deny the leave request.
- (2) Employees are required to submit an Absentee Request Form whenever any type of leave is requested or taken as outlined in the policies contained in this handbook. The

employee is required to provide the date and time of the leave. Employees are permitted to use any type of leave time in 15-minute increments.

- (3) Whenever possible, employees are required to submit a form before the leave is taken. If it is impossible or impractical for the employee to submit a form prior to taking the leave, the employee will immediately submit the form upon return to work. Any employee who takes leave time and fails to submit a form will be subject to disciplinary action.

Section 8 – Appendices and HR Forms

APPENDIX A – CODE OF ETHIC ORDINANCE

Code of Ethics

City of Oak Grove, Kentucky

Ordinance No. 2020-14

AN ORDINANCE AMENDING ORDINANCE 1994-24 ESTABLISHING A CODE OF ETHICAL CONDUCT APPLICABLE TO THE OFFICERS AND EMPLOYEES OF THE CITY AND CITY AGENCIES.

An ordinance establishing a code of ethical conduct applicable to the officers and employees of the city and city agencies.

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted legislation requiring the city to enact and enforce a code of ethics governing the conduct of city officers and employees; and

WHEREAS, the officials of this city are committed to the operation of a city government that manifests the highest moral and ethical standards among its officers and employees and desires to comply with all requirements of the Commonwealth's local government ethics law.

NOW, THEREFORE, be it ordained by the City Council of the City of Oak Grove, Kentucky:

SECTION 1. Title. This ordinance shall be known and may be cited as the "City of Oak Grove, Kentucky, Code of Ethics."

SECTION 2. Findings. The City Council of the City of Oak Grove, Kentucky, finds and declares that:

- (A) Public office and employment of the city are public trusts.
- (B) The vitality and stability of the government of this city depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of a city officer or employee, that confidence is imperiled.
- (C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties

SECTION 3. Purpose and Authority.

- (A) It is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.
- (B) It is the further purpose of this ordinance to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly and any amendments made subsequent to that date.
- (C) This ordinance is enacted under the power vested in the city by KRS 82.082 and pursuant to the requirements of KRS 65.003.

SECTION 4. Definitions. As used in this ordinance, unless the context clearly requires a different meaning:

- (A) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.
- (B) "Candidate" means any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or the secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.
- (C) "City" refers to the City of Oak Grove, Kentucky.
- (D) "City agency" means any board, commission, authority, non-stock corporation, or other entity created, either individually or jointly, by this city.
- (E) "Confidential information" means information obtained in the course of holding public office or employment, or as a contractor to the city, which is not available to members of the public and which the officer or employee is not authorized to disclose, except to designated individuals or bodies, including written and nonwritten information. When such information is also available through channels open to the public, officers and employees are not prohibited from disclosing the availability of those channels.

- (F) "Consultant" means an independent contractor or professional person or entity, engaged by the city or advising a city officer, and in a position to influence a city decision or action or have access to confidential information.
- (G) "Customer or client" means:
1. Any person or entity to which a person or entity has supplied goods or services during the previous 24 months, having a total value greater than one thousand dollars (\$1,000); or
 2. Any person or entity to which an officer or employee's outside employer or business has supplied goods or services during the previous 24 months, having a total value greater than one thousand dollars (\$1,000), but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.
- (H) "Domestic partner" is an adult, unrelated by blood, with which an unmarried or separated officer or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.
- (I) "Employee" means any person, whether full-time, part-time, seasonal, or temporary, and whether paid or unpaid, who is employed or provides service to the city. The term "employee" shall not include any contractor or subcontractor or any of their employees.
- (J) "Ethics Board" or "Board" means the City of Oak Grove Ethics Board which is created and vested by this ordinance with the responsibility of enforcing the requirements of the city's code of ethics.
- (K) "Family member" means a 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.
- (L) "Immediate family member" means a spouse, domestic partner, a child or stepchild who is not emancipated and who resides in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.
- (M) "Financial benefit" includes any money, service, license, permit, contract, authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

- (N) "Financial interest" is a relationship to something such that a direct or indirect financial benefit has been, will be, or might be received as a result of it.
- (O) "Household" includes anyone whose primary residence is in the officer or employee's home, including nonrelatives who are not rent payers or servants.
- (P) "Officer" means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:
- I. Mayor;
 2. City Council Member;
 3. Any person who occupies a position designated a nonelected city office by KRS 83A.080(2); or
 4. Any other person that occupies a nonelected office created by pursuant to KRS 83A.080; or
 5. A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.
- (Q) "Official Act" means any legislative, administrative, appointive or discretionary act of any public official or employee of the city or any agency, board, committee or commission thereof.
- (R) "Personal benefit" includes benefits other than those that are directly financially advantageous. These include financial benefits to family members, business associates, as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career.
- (S) "Personal interest" means a relationship to something such that a personal benefit has been, will be, or might be obtained by certain action or inaction with respect to it.
- (T) "Subordinate" means another official or employee over whose activities an official or employee has direction, supervision or control.
- (V) "Transaction" means any matter, including but not limited to, contracts, work or business with the city, the sale or purchase of real estate by the city, and any request for zoning amendments, variances, or special permits pending before the city, upon which a public officer or employee performs an official act or action.

STANDARDS OF CONDUCT

SECTION 5. Conflicts of Interest in General. Every officer and employee of the city and every city agency shall comply with the following standards of conduct:

- (A) No officer or employee, or any immediate family member or any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
- (B) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted (or unsolicited) privileges or advantages for himself or herself or others.
- (C) No officer or employee shall intentionally take or fail to take any discretionary action, or agree to take or fail to take any discretionary action, or influence or attempt to influence any other officer or employee to take or fail to take any discretionary action, on any matter before the city in order to obtain a personal or financial benefit for any of the following:
 - 1. The officer or the employee.
 - 2. A family member.
 - 3. An outside employer.
 - 4. Any business in which the officer or employee, or any family member has a financial interest, including but not limited to:
 - a. An outside employer or business of his or hers, or of his or her family member, or someone who works for such outside employer or business;
 - b. A customer or client; or
 - c. A substantial debtor or creditor of his or hers, or of his or her family member.
 - 5. Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.
 - 6. A person or entity from whom the officer or employee has received an election campaign contribution of a total of more than two hundred dollars

(\$200) during the past election cycle (this amount includes contributions from a person's immediate family or business as well as contributions from an entity's owners, directors, or officers, as well as contributions to the officer or employee's party committee or noncandidate political committee).

7. A nongovernmental civic group, social, charitable, or religious organization of which he or she (or his or her immediate family member) is an officer or director.
- (D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no personal or financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (C)(4-7) of this section, as a member of any business occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

SECTION 6. Conflicts of Interests in Contracts.

- (A) Pursuant to KRS 61.252, no officer or employee of the city or any city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:
1. The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (A) of this section shall apply to the renewal of the contract.
 2. The prohibition in subsection (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing the

contract performance after the contract is awarded. If the officer or employee has any of the authorities as set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart 3 below are satisfied.

3. The prohibition in subsection (A) of this section shall not apply in any case where the following requirements are satisfied:
 - a. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.
 - b. The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.
 - c. A finding is made by the governing body of the city or city agency that the contract with the officer or the employee is in the best interests of the public and the city or city agency before the contract is executed.
 - d. The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.
- (B) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered in violation of this section. Additionally, violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

SECTION 7. Incompatible Offices.

- (A) Pursuant to Section 165 of the Kentucky Constitution, no officer or employee of the city may also be a state officer, deputy state officer or member of the General Assembly or may fill more than one (1) municipal office at the same time, whether in the same or a different city.
- (B) Pursuant to KRS 61.080, no city officer may also hold a county office. In addition, the statute also states that the following city and consolidated local government offices are incompatible with any other public office:

1. Member of the legislative body of cities of the first class;
 2. Mayor and member of the legislative council of a consolidated local government; and
 3. Mayor and member of the legislative body in cities of the home rule class.
- (C) In addition to the Constitution and Statutory provisions, there are common law incompatibilities that have been defined by the courts. City officers and employment positions are deemed incompatible when one office or position of employment was inherently inconsistent in function with the other when there arises an implication that the duties and responsibilities of both cannot be performed at the same time with a necessary degree of impartiality and honesty.
- (D) KRS 61.090 provides that the acceptance of an incompatible office operates to vacate the first office.

SECTION 8. Withdrawal from Participation.

- (A) An officer or employee must refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in Section 5(C) above. Such an officer or employee should join the public if the withdrawal occurs at a public meeting or leave the room if it is a legally conducted closed meeting (executive session) under KRS 61.810 and KRS 61.815.
- (B) Withdrawal at a meeting requires the public announcement, on the record, of the reason for withdrawal.
- (C) Ongoing Conflict: An officer or employee whose outside employment or other outside activity or relationship can reasonably be expected to require more than sporadic withdrawal must resign or cease such outside employment or activity. An officer or employee should not begin employment, an activity or a relationship that can reasonably be expected to require more than sporadic withdrawal. If a prospective officer or employee is in such a situation, he or she should not accept the position with the city.

SECTION 9. Receipt of Gifts.

- (A) No officer, or employee of the city or any city agency shall directly, or indirectly through any other person or business, solicit or accept any gift without first notifying the city in writing of such gift.
- (B) Certain items are typically excluded from this provision. Examples of these items include:
 - 1. Gifts received from family members.
 - 2. Gifts accepted on behalf of the city and transferred to the city.
 - 3. Reasonable travel and travel-related expenses, cost of admission, food and beverages, and entertainment furnished in connection with certain specified public events, appearances, ceremonies, economic development activities, or fact-finding trips related to official government business.
 - 4. Usual and customary loans made in the ordinary course of business.
 - 5. Awards, including certificates, plaques, and commemorative tokens presented in recognition of public service.
 - 6. Informational, promotional, and educational items.

SECTION 10. Use of City Property, Equipment and Personnel.

- (A) No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment or other personal or real property for the private use of any person, unless:
 - 1. The use is specifically authorized by a stated city policy.
 - 2. The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

SECTION 11. Nepotism Prohibited.

- (A) No family member of an elected or appointed city official or current city employee shall be appointed to any office or position of employment if the elected or appointed city official or current employee will have any responsibility, directly or indirectly, to supervise, manage, or control the work of the family member.

SECTION 12: Representation of Interests Before City Government.

- (A) No officer or employee of the city or any city agency shall represent any person, group or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or any city agency.
- (B) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.
- (C) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

SECTION 13. Misuse of Confidential Information.

No officer or employee of the city or any city agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal or financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

SECTION 14. Political Solicitation.

An officer, employee, or municipal candidate may not knowingly request, or authorize anyone else to request, that any subordinate or potential future subordinate participate, or not participate, in any political activity, including the making of a campaign contribution. Nor may he or she engage in any political activity for the city, while on duty, or in uniform, using city funds, supplies, vehicles, or facilities, in uniform, or during any period of time during which he or she is normally expected to perform services for the city, for which compensation is paid.

SECTION 15. Patronage.

No officer or employee may promise an appointment or the use of his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

SECTION 16. Outside Employment.

- (A) An officer or employee shall not accept any employment or enter into any contracts that result in a conflict of interest with his or her duties as an officer or employee of the city.

- (B) An employee of the city may be self-employed or may take occasional or part time jobs if, in the opinion of his or her supervisor and the mayor, there is no conflict with working hours, the employee's efficiency in his or her city work, or other interest of the city.
- (C) Employees wishing to take off-duty employment shall have the written approval of their supervisor and the mayor.
- (D) Employees or officers holding management level positions shall notify the mayor prior to creating, contracting with, or being employed by any agency or business firm other than the city for their written approval.
- (E) City employment shall 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 shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or his or her city employment.

SECTION 17 Post Employment Restrictions

No former public official or employee shall appear on behalf of a private interest other than his or her own on any matter before the city until one year after he or she has left his or her position with the city.

SECTION 18. Endorsements.

No officer or employee in his or her official capacity may publicly endorse products or services. However, this does not prohibit an officer or employee from answering inquiries by other governmental officials, consumer organizations, or product information services regarding products or services.

SECTION 19. Complicity with or Knowledge of Others' Violations.

No officer or employee may, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this code. If an officer or employee suspects that someone has violated this code, he or she is required to report it to the Ethics Board pursuant to Section 35 of this ordinance.

SECTION 20. Falsely Impugning Reputation.

An officer or employee may not falsely impugn the reputation of a city resident, employee or another officer of the city. If an officer or employee believes his or her accusation to be true, and then learns that it was false, even in part, he or she should apologize in the same

forum the accusations were made. A failure to apologize within a reasonable period of time after learning of the falseness of the accusations will create the presumption that the conduct was fully intentional.

SECTION 21 Meeting Attendance.

All elected city officers and members of city boards and commissions are expected to attend their meetings. It is a violation of this code to miss more than one-third (1/3) of the meetings in a twelve (12) month period unless excused by the mayor or city council

FINANCIAL DISCLOSURE

SECTION 22. Who Must File.

(A) The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Ethics Board:

- I. Elected city officers.
2. Candidates for elected office.
3. Officers and employees who hold policymaking positions, including members of municipal boards, such as ethics boards, planning and zoning boards, boards of adjustment, code enforcement boards, economic development boards, and parks and recreation boards.
4. Officers or employees whose job descriptions or whose actual duties involve:
 - a. The negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses;
 - b. The purchase, sale, rental, or lease of real property, personal property, or services, or a contract for any of these; and
 - c. The obtaining of grants of money or loans.

SECTION 23. When to File Statements and Amended Statements.

(A) The initial statement of financial interests required by this section shall be filed with the Ethics Board, or the administrative official designated as the custodian

of its records by the Ethics Board no later than 4 P.M. August 1. All subsequent statements of financial interest shall be filed no later than 4 P.M. August 1 each year, provided that:

1. An officer or employee newly appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than thirty (30) days after the date of the appointment.
 2. A candidate for city office shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected office.
- (B) The Ethics Board may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.
- (C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Board.

SECTION 24. Form of the Statement of Financial Interests.

The statement of financial interests shall be filed on a form prescribed by the Ethics Board, or the administrative official designated by the Ethics Board (Board). The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail, email or hand delivery, no later than August 1st of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

SECTION 25. Control and Maintenance of the Statements of Financial Interests.

- (A) The Ethics Board shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Board, or the administrative official designated by the Board as the "custodian" of public documents, available for public inspection immediately upon filing.

(B) A statement of financial interests shall be retained by the Board or the designated administrative official pursuant to the Kentucky Department of Libraries and Archives schedule as follows:

1. Upon the expiration of two (2) years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.
2. Upon the expiration of two (2) years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

SECTION 26. Contents of the Financial Interests Statement.

(A) The statement of financial interests shall include the following information for the preceding calendar year:

1. The name, current business address, business telephone number, and home address of the filer.
2. The title of the filer's office, office sought, or position of employment.
3. The occupation of the filer and the filer's spouse or domestic partner.
4. Information that identifies each source of income of the filer and the filer's immediate family members exceeding five thousand dollars (\$5,000) during the preceding calendar year, and the nature of the income (e.g. salary, commission, dividends, retirement fund distribution, etc.).
5. The name and address of any business located within the state in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$ 10,000) at fair market value or five percent (5%) ownership interest or more.
6. The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three (3) years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand

dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more.

7. A designation as commercial, residential, or rural, and the location of all real property within the county, other than the filer's primary residence, in which the filer or any member of the filer's immediate family had during the preceding calendar year an interest of ten thousand dollars (\$10,000) or more.
8. Each source by name and address of gifts or honoraria having an aggregate fair market value of one hundred dollars (\$100) or more from any single source, excluding gifts received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year.
9. Each source by name and address of campaign contributions having an aggregate fair market value of two hundred dollars (\$200) or more from any single source, excluding contributions received from family members, during the preceding calendar year.

10. The name and address of any creditor owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family or household purposes.

- (B) Nothing in this section shall be construed to require any candidate to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

SECTION 27. Noncompliance with Filing Requirement.

- (A) The Ethics Board, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.
- (B) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under subsection (A) within the time established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed twenty five dollars (\$25) per day, up to a maximum civil fine of five hundred dollars

(\$500). Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time..

- (C) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

ENFORCEMENT

SECTION 28. ~~Ethics Board Created.~~

- (A) There is hereby created an Ethics Board which shall have the authorities, duties, and responsibilities as set forth in this ordinance to enforce the provisions of this ordinance.
- (B) The Ethics Board shall consist of three (3) members who shall be appointed by the mayor, subject to the approval of the city council. The initial members of the Ethics Board shall be appointed within sixty (60) days of the effective date of this ordinance. The members shall serve for a term of three (3) years; except that with respect to the members initially appointed, one (1) member shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of three (3) years. Thereafter, all appointments shall be for a term of three (3) years.
- (C) An Ethics Board member will serve until his or her successor has been appointed, in the same manner as the original appointment. Consecutive service on the Ethics Board may not exceed two full terms, except that a one-term alternate member may thereafter serve two terms as a regular member, and a two-term alternate member may thereafter serve one term as a regular member. In addition, once an Ethics Board member has not served on the Ethics Board for one full term, they may be appointed to return to the Board.
- (D) Each member of the Ethics Board shall have been a resident of the city for at least one (1) year prior to the date of the appointment and shall reside in the city throughout the term in office ~~and shall not be a city employee or officer, or the family member of a city employee or officer.~~ The members of the Ethics Board shall be chosen by their known and consistent reputation for integrity and their knowledge of local government affairs and shall be subject to a background check.

- (E) A member of the Ethics Board may be removed by the mayor, subject to approval from the city council, for misconduct, inability, or willful neglect of duties. Before any member of the Board is removed from office under this section, the member shall be afforded the opportunity for a hearing before the mayor or city council.
- (F) Vacancies on the Ethics Board shall be filled within sixty (60) days by the mayor, subject to the approval of the city council. If a vacancy is not filled by the mayor and city council within sixty (60) days, the remaining members of the Board shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.
- (G) Members of the Ethics Board shall be compensated in the amount of \$30.00 per meeting and \$35.00 per meeting for the Chair or acting chair.
- (I) The Ethics Board shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the Board.
- (J) Meetings of the Ethics Board shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the members.
- (K) The presence of two (2) or more members shall constitute a quorum and the affirmative vote of two (2) or more members shall be necessary for any official action to be taken. Any member of the Ethics Board who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify him or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.
- (L) Minutes shall be kept for all proceedings of the Ethics Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

SECTION 29. Alternate Members.

The mayor, with the approval of the city council may appoint two (2) alternate members of the Ethics Board who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all the requirements of this ordinance that apply to regular members.

SECTION 30. Facilities and Staff.

Within the limits of the funds appropriated by the city council in the annual budget, the city shall provide the Ethics Board, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for the conduct of its business.

SECTION 31. Initial Meeting.

At its first meeting each January of the calendar year, the Ethics Board will elect a chair and a vice-chair from among its regular members. A majority of the regular members is required for the Board to take any action. The chair or a majority of the regular members may call a meeting of the Board.

SECTION 32. Power and Duties of the Ethics Board.

The Ethics Board shall have the following powers and duties:

- (A) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and detenninations with regard to alleged violations of the provisions of this ordinance.
- (B) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths.
- (C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board.
- (D) To refer any information concerning violations of this ordinance to mayor, city council, governing body of any city agency, the county attorney, or other appropriate person or body, as necessary.
- (E) To render advis01y opinions to city and city agency officers and employees regarding whether a given set of facts and cirC1mlstances would constitute a violation of any provision of this ordinance.

- (F) To enforce the provisions of this ordinance with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this ordinance.
- (G) To control and maintain all statements of financial interests that are required to be filed by this ordinance and to ensure that the statements are available for public inspection in accordance with the requirements of this ordinance and the Kentucky Open Records Act.
- (H) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this ordinance, provided that the rules, regulations, and actions are not in conflict with the provisions of this ordinance or any state or federal law.
- (I) To provide training and education on the city ethics code to officials and employees.
- (J) To prepare and submit an annual report and any recommended changes to this code to the city council; and to develop and submit any reports regarding the conduct of its business that may be required by mayor or city council.
- (K) The Ethics Board along with the city clerk will annually review the list of officials and employees required to file annual disclosure statements, to determine whether the lists are complete and accurate. Within ninety (90) days after it has been formed, and by February 1 each year thereafter, the Ethics Board along with the city clerk must create a list of the names and offices, or positions, of all officials and employees and others required to file annual disclosure statements pursuant to Section 23 (this should correspond to the "Who Must File" section) of this code; and notify all such persons of their obligation to file an annual disclosure statement.
- (L) The Ethics Board will prepare forms for complaints and for financial disclosure statements and will make these forms available at the city clerk's office and on the city's website, for easy downloading.
- (M) By June 15 of each year, the Ethics Board must review all annual financial disclosure statements filed with it to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this code. If the Board determines that an annual or transactional disclosure statement is deficient or reveals a possible or potential violation of this code, the Board will notify the

person in writing of the deficiency or possible or potential violation, and of the penalties for failure to comply with this code.

SECTION 33. Training and Education.

The Ethics Board will, within one(!) year after its passage, make this code, and explanations of its provisions (including information on how to fill out all forms and statements), available (including, but not limited to, on the city website) to all officials and employees, candidates and consultants, and to municipal residents and to all persons doing business or interested in doing business with the city, and will develop educational materials and a required educational program for the officials and employees of the city regarding the provisions of this code. The educational program must begin within 18 months after this code goes into effect. In addition, the Ethics Board will hold an annual workshop for new and experienced officials and employees to discuss this code, its values and goals, its enforcement, and the ways in which it has affected their work and the working of the city government.

SECTION 34. Annual Reports and Annual Review of Ethics Code.

- (A) The Ethics Board must prepare and submit an annual report to the city council in the form of a written report and an oral presentation, summarizing the activities, decisions, and advisory opinions of the Board. The report may also recommend changes to the text or administration of this code. The report must be submitted no later than October 31 of each year, covering to the year ended August 31, and must be filed with the City Clerk and made available on the city website.
- (B) The Ethics Board will periodically (no less than every five (5) years) review this code, the enforcement of the code, and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in city government, and whether they set forth clear and enforceable, common sense standards of conduct.

SECTION 35. Filing and Investigation of Complaints.

- (A) All complaints alleging any violation of the provisions of this ordinance shall be submitted to the Ethics Board, or the administrative official designated by the Ethics Board. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board. The Board shall acknowledge receipt of a complaint to the complainant within ten (10) working days from the date of receipt. The Board shall forward within ten (10) working days to each officer or employee of the city or city agency who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this ordinance.

- (B) The Ethics Board may, on its own initiative, determine through an inquiry into informal allegations or information provided directly to the Board, by referral, in the public news media, or otherwise that a violation of this code may exist, and prepare a complaint of its own. The Ethics Board may also amend a complaint that has been filed with it by adding further allegations, by adding respondents involved in the same conduct, directly or indirectly, by action or inaction, or by deleting allegations that would not constitute a violation of this code, have been made against persons or entities not covered by this code, or do not appear to be supported by the facts. The Ethics Board may also consolidate complaints where the allegations are materially related. Amended complaints must be sent to the complainant and respondent by the Ethics Board.
- (C) Within thirty (30) days of the receipt of a proper complaint, the Ethics Board shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.
- (D) The person who is the subject of the complaint (respondent) may file with the Ethics Board a response to the complaint within thirty (30) days after his or her receipt of the complaint. The response, if any, must be sent to the person filing the original complaint (complainant) by the Ethics Board within five (5) days after its filing. Within fifteen (15) days after receipt, the complainant may also file with the Ethics Board a response to the respondent's response, which the Ethics Board must send to the respondent within five (5) days after its filing.
- (E) Extensions of time to any of the time limitations specified in this section may be granted by the Ethics Board upon a vote of the majority of the members. If no meeting can be held before such time limit runs out, the chair may extend the limit until the following meeting. The Ethics Board must give written notice of any extension(s) of time to the respondent and the complainant.
- (F) All proceedings and records relating to a preliminary inquiry being conducted by the Ethics Board shall be confidential until a final determination is made by the Board, except:
 - 1. The Board may turn over to the Commonwealth's Attorney or County Attorney evidence which may be used in criminal proceedings.

2. If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the Board may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued to either party.

All records in the custody of the Ethics Board shall be held in a locked filing cabinet, with only the members of the Ethics Board having access.

- (G) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this ordinance. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.
- (H) If the Ethics Board concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may initiate a hearing to determine whether there has been a violation.
- (I) If a complaint is accepted or prepared pursuant to subsection (A), the Ethics Board must conduct an investigation. From this point on, the complainant may not withdraw his or her complaint, although he or she may request that the Ethics Board either make a finding of no probable cause or no violation.
- (J) In conducting an investigation, the Ethics Board may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records it deems relevant and material. The Police Department and all city agencies, bodies, officials, and employees are required to respond fully and truthfully to all inquiries and cooperate with all requests of the Ethics Board or its agents relating to an investigation. It is a violation of this code for any official or employee to deny access to information requested by the Ethics Board in the course of an investigation or a public hearing, except to the extent that such denial is required by federal, state, or local law.
- (K) Nothing in this section may be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Board or any of its members or staff has

violated any provision of this code, or any other law, the Board must promptly transmit to the city council a copy of the complaint.

- (L) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this ordinance by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

SECTION 36. Notice of Hearings.

If the Ethics Board determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within twenty-four (24) hours of the time the order setting a hearing is issued.

SECTION 37. Hearing Procedure.

- (A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Ethics Board; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.
- (B) Prior to the commencement of the hearing, the respondent, or his or her representative, shall have a reasonable opportunity to examine all documents and records obtained or prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.
- (C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel.
- (C) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.

- (D) All hearings of the Ethics Board shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.
- (E) After the conclusion of the hearing, the Ethics Board shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this ordinance has been proven. Within thirty (30) days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.
- (F) If the Board concludes in its report that no violation of this ordinance has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.
- (G) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this ordinance, the Board shall within fifteen (15) days:
 - 1. Issue an order requiring the violator to cease and desist the violation.
 - 2. In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the mayor, city council, or city agency with which the violator serves.
 - 3. In writing, recommend to the mayor and city council that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal, or removal from office.
 - 4. Issue an order requiring the violator to pay a civil penalty of not more than one thousand dollars (\$1,000).
 - 5. Refer evidence of criminal violations of this ordinance or state laws to the county attorney or commonwealth attorney of the jurisdiction for prosecution.

SECTION 38. Appeals.

Any person who is found guilty of a violation of any provision of this ordinance by the Ethics Board may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action by the Ethics Board by filing a petition with the court

against the Board. The Board shall transmit to the clerk of the court all evidence considered by the Board at the public hearing.

SECTION 39. Limitation of Actions.

Except when the period of limitation is otherwise established by state law, an action for a violation of this ordinance must be brought within one (1) year after the violation is discovered.

SECTION 40. Advisory Opinions.

- (A) The Ethics Board may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee of the city or a city agency who is covered by this ordinance.
- (B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.
- (C) The Board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.
- (D) The confidentiality of an advisory opinion may be waived either:
 - I. In writing by the person who requested the opinion.
 - 2. By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.
- (E) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or

misstated in the request for an opinion, the Board shall not be bound by the opinion.

- (F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this ordinance for actions taken in reliance on that opinion.
- (G) Advisory opinions will be indexed and maintained on file by the Ethics Board, the city clerk and will also be available on the city website, with unnecessary financial and personal details redacted. Officers, employees, and businesses should be notified about advisory opinions that may directly affect their conduct.

SECTION 41. Reprisals Against Persons Disclosing Violations Prohibited.

- (A) No officer or employee of the city or any city agency shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Ethics Board or any other agency or officer of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.
- (B) This section shall not be construed as:
 - I. Prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:
 - a. To be false or which he or she discloses with reckless disregard for its truth or falsity.
 - b. To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.
 - c. Is confidential under any other provision of law.

SECTION 42. Penalties.

- (A) Except when another penalty is specifically set forth in this ordinance, any officer or employee of the city or any city agency who is found by the Ethics Board to have violated any provision of this ordinance shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Ethics Board not to

exceed one thousand dollars (\$1,000), which may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

- (B) In addition to all other penalties which may be imposed under this ordinance, any officer or employee of the city or any city agency who is found by the Ethics Board to have violated any provision of this ordinance shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.
- (C) In addition to all other penalties which may be imposed under this ordinance, a finding by the Ethics Board that an officer or employee of the city or any city agency is guilty of a violation of this ordinance shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the mayor, city agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this ordinance shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth.

SECTION 43. Severability.

If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

SECTION 44. Conflicting Ordinances Repealed.

All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.


SECTION 45. Effective Date.

This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060

SECTION 45. Effective Date.

This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060

Passed on First Reading this 4th day of August, 2020. Passed
on Second Reading this 1 day of December, 2020.



Mayor Theresa Jarvis

APPENDIX B – SOCIAL SECURITY NUMBERS AND PRIVACY PROTECTION

- (1) This policy is adopted in accordance with KRS 61.931- 61.934 and is applicable to all personal confidential information received and retained by the city regarding employment and within the regular course of city business.
- (2) The city will take measures reasonably necessary to ensure the confidentiality of social security numbers collected in the ordinary course of the city’s business. Neither the city nor any of its employees will unlawfully disclose the social security numbers or other confidential personal information obtained during the ordinary course of business.
- (3) Nondigital media containing personal information will be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it will be protected from access by unauthorized individuals. Such information must be protected by software that prevents unauthorized access. If personal information is transmitted via email or other electronic means, it must be sent using appropriate encryption mechanisms.
- (4) The city will designate a point of contact (POC). The POC will serve the following functions:
 - a. Maintain the city’s adopted Information Technology Acceptable Use Policy and be familiar with its requirements.
 - b. Ensure the city’s employees and others with access to personal information are aware of and understand the Information Technology Acceptable Use Policy.
 - c. Serve as contact for inquiries from other agencies regarding its Information Technology Acceptable Use Policy and any incidents.
 - d. Be responsible for ensuring compliance with the Information Technology Acceptable Use Policy.
 - e. Be responsible for responding to any incidents.
- (5) Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.
- (6) The city may use a social security number to perform an administrative duty related to employment, e.g., to verify the identity of an individual; detect or prevent identity theft; investigate a credit, criminal, or driving history; enforce legal rights or obligations; or administer insurance or benefits programs.

- (7) Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.
- (8) Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier's software, by design or configuration, will not introduce any security exposures.
- (9) The level of protection afforded by security software should be commensurate with the sensitivity of the data. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.
- (10) Systems, networks, and application software used to process personal information must adhere to the highest level of protection reasonably practical. The city will use Intrusion Detection and Prevention software approved by the Commonwealth Office of Technology (COT). A list of approved software is available on the COT website (<http://technology.ky.gov/Governance/Pages/KITS.aspx>) and the software must provide comparable or superior protection.
- (11) Information stored on digital media will be encrypted in accordance with contemporary standards.
- (12) This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who during city business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the city indicating acceptance of the information and acknowledging their understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the city should be able to accurately recreate personal information and must be able to provide notification to all affected persons/entities.
- (13) When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure, e.g., last four digits of the social security number.
- (14) The city will secure and when applicable appropriately dispose of nondigital media. Nondigital media containing personal information must be properly stored and secured from view by unauthorized persons.
- (15) Secure measures must be employed by the city and all permissive users to safeguard personal information contained on all city technology resources.

- (16) Cities will ensure that all authorized personnel are familiar with and comply with this policy. The city will ensure that only authorized personnel may hold and have access to personal information.
- (17) Threats to the security of personal information arise in many ways. The city will try to be aware of the different types of threats and to enact reasonable measures to protect against each. Attacks on personal information may arise from:
- a. External/Removable Media — An attack executed from removable media, e.g. flash drive, CD, or a peripheral device.
 - b. Attrition — An attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
 - c. Web — An attack executed from a website or web-based application.
 - d. Email — An attack executed via an email message or attachment.
 - e. Improper Usage — Any incident resulting from violation of an organization’s acceptable usage policies by an authorized user, excluding the above categories.
 - f. Loss or Theft of Equipment — The loss or theft of a computing device or media used by the organization, such as a laptop or smartphone.
- (18) Whether in digital or nondigital format, the city will retain and keep secure all personal and confidential information as set out in the Kentucky Department of Libraries and Archives Record Retention Schedule. The city will physically destroy documents that contain personal confidential information, including social security numbers, by shredding or other secure fashion. Personal confidential information, including social security numbers, stored in a computer database which needs to be removed will be deleted from all programs and processes pursuant to techniques and standards commonly used for such purposes. The methods set forth below are listed in priority order with the most highly recommended safeguard listed first. One of the following safeguards must be implemented:
- a. Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense. The city will review and evaluate the disposal company’s information security policies and procedures. The city will review an independent audit of a disposal company’s operations and/or its compliance with nationally recognized standards.
 - b. Secure and utilize shredding equipment that performs crosscut or confetti patterns.
 - c. Secure and utilize disk sanitizing or erasing software or equipment approved by the United States Department of Defense (USDOD).
 - d. Modify the information to make it unreadable, unusable, or indecipherable through any means.

- (19) The city must disclose a security breach in which personal information is disclosed to or obtained by an unauthorized person. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within 35 days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent by the city describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.
- (20) When the city identifies a security breach in which personal information has been disclosed to or obtained by an unauthorized person, within three business days the city will notify the Kentucky State Police, the Auditor of Public Accounts, the Attorney General, and the Commissioner of the Department for Local Government, and complete Form COT-F012. The city will document the following:
- a. Preliminary reporting and description of the incident.
 - b. Response, including evidence gathered.
 - c. Final assessment and corrective action taken.
 - d. Final reporting.
- (21) Incident response procedures can be a reaction to security activities such as:
- a. Unauthorized access to personal information, data, or resources.
 - b. Denial of service attacks.
 - c. Actual or anticipated widespread malware infections.
 - d. Data breaches.
 - e. Loss/theft of equipment.
 - f. Significant disruption of services.
 - g. Significant level of unauthorized scanning activity to or from hosts on the network.
- (22) The city will make reasonable efforts to investigate any security breaches in which personal information is disclosed to or obtained by an unauthorized person and will take appropriate corrective action.
- (23) The city must comply with all federal and state laws and policies for information disclosure to media or the public. In some circumstances, communication about an incident is necessary, such as contacting law enforcement. The city should use discretion in disclosing information about an incident. Such information includes network information, type of incident, specific infection type, if applicable, number of assets affected, specific detail about applications affected, applications used to employ corrective action/investigate, etc. The city may proactively share relevant incident indicator information with peers to improve detection and analysis of incidents. Within the parameters of the law, minimal disclosure regarding incidents is preferred to prevent unauthorized persons from acquiring sensitive information regarding the

incident, security protocols, and similar matters in an effort to avoid additional disruption and financial loss.

- (24) Any employee of the city who knowingly violates the provisions of this policy will be subject to the city's disciplinary policy.

APPENDIX C – EMAIL AND COMMUNICATIONS RETENTION

SECTION 1. INTRODUCTION

This document defines acceptable management and storage of email and other electronic messages in the city as part of the city's records management program. All references to email in this policy include all electronic communications. This policy and procedure for email applies to email use within the city and does not supersede any state or federal laws or any other city policies regarding confidentiality, information dissemination, or standards of conduct.

Internet and email resources, services, and accounts are the property of the city and are to be used for business purposes. Management has the right and the ability to view employees' email. City email is recorded and stored and is the property of the city, subject to the requirements of the Open Records Act (KRS 61.870 to 61.884.)

SECTION 2. POLICY

The city provides for efficient, economical, and effective management of electronic mail records in accordance with Kentucky Revised Statutes (KRS) chapter 171, sections 410-740. KRS 171.680 requires the mayor to administer a program for managing records created, received, retained, used, or disposed by the agency.

This policy for managing electronic mail is consistent with legal requirements and efficient recordkeeping standards from the State Archives and Records Commission, the KDLA Record Retention Schedule, and the COT.

This policy applies to all electronic mail messages created, received, retained, used, or disposed of using the city's electronic mail system regardless of how the system is accessed. Mobile computing devices (such as Blackberries, other personal digital assistants (PDAs), or smart phones) allow for remote access to the city's email system and should be treated just like the system in your office or workstation.

SECTION 3. RETENTION REQUIREMENTS

The General Schedule for State Agencies lists the record series that are created and the retention period authorized by the State Archives and Records Commission for each series. All email sent or received by an agency is considered a public record. The content and function of an email message determine its retention period. All email messages must be retained or disposed of according to the Record Retention Schedule for Local Governments and/or State Government.

From General Schedule for State Agencies, Electronic and Related-Records Series E0059, Electronic Messages

This is any communication using an electronic messaging system.

Retention: Electronic messaging systems are a form of communication. The messages found in these systems can be any type of record. Identify what type of record the message is and follow the appropriate retention schedule.

Examples of Electronic Messages include:

- Email
- Text messages (more difficult to store than email)
- Voicemail (more difficult to store than email)
- Fax messages

Most email, but not all (see *Guidelines for Managing Email in KY Government* - <http://kdla.ky.gov/records/Documents/EmailGuidelines.PDF>), is considered correspondence and may be part of one of several categories of correspondence, described on the General Schedule for State Agencies.

The categories of correspondence are:

From *General Schedule for State Agencies, Miscellaneous Records Series M0050, Nonbusiness-Related Correspondence*

This is correspondence that is not related to agency business.

Retention: Immediately destroy.

Examples of Nonbusiness-Related Correspondence include:

- Unsolicited messages, e.g., sales pitches
- Nonbusiness-related messages from coworkers, e.g., news articles, nonbusiness-related announcements from coworkers
- Junk mail or spam
- Personal messages

NOTE: Nonbusiness-Related Correspondence is a public record as defined by the Open Records Act (KRS 61.870-61.884) and if retained, can be subject to disclosure.

From *General Schedule for State Agencies, Miscellaneous Records Series M0002, Routine Correspondence*

This is routine correspondence that is central or essential to your work but is of a non-policy nature and deals only with the day-to-day, general operations of an agency.

Retention: Retain no longer than two years. Routine correspondence that is part of a larger file, takes on the retention period of that file.

Examples of Routine Correspondence include:

- Assistance to citizens
- Explanations of policy
- Requests for information
- Business-related discussions within the city

NOTE: Since the retention for series M0002 Routine Correspondence is “*retain no longer than two years,*” a uniform retention period within the two-year window for routine correspondence needs to be established for all of the units covered by this policy. This could be done on the cabinet, department, or division level depending on where this

policy is adopted. All employees in an agency, as defined in this policy, should be retaining routine correspondence for the same amount of time and following agency filing procedures. (See Section 5 for further guidance.)

From General Schedule for State Agencies, Miscellaneous Records Series M0001, Official Correspondence

This is correspondence that documents the major activities, organizational functions, programs of the city, and the important events in its history.

Retention: Permanent.

Examples of Official Correspondence include:

- Policy memoranda (those dictating or establishing policy)
- Directives
- Event and other announcements
- Official notifications of city decisions or actions
- Summaries of an agency's cumulative experience or history (minutes)

SECTION 4. USER RESPONSIBILITIES

It is the responsibility of the user of the email system, with guidance and training from the city, to manage email messages according to the Local Government's Records Retention Schedule and the General Schedule for State Agencies.

It is the responsibility of the sender and receiver of email messages within the city's email system to retain the messages for the approved retention period. (See below Diagrams 1.1 and 1.2)

Because email messages can be forwarded and routed to multiple addresses, copies of the names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message.

The use of the administrative settings to control management of email messages, e.g., the rules, filters, and the Auto Archive features in Outlook/Exchange as well as other server level automated classification and management systems, may automate and assist employees' classification and storage of messages. If such settings or software are used by the city, employees should be adequately trained and informed.

See "Storage of Email Messages Using Outlook" on the KDLA website (<http://kdla.ky.gov/records/Documents/Storage%20of%20email-v.2-10-17-06.PDF>).

SECTION 5. MAINTENANCE OF ELECTRONIC MAIL.

Records created using an email system may be saved for their approved retention period by one of the following:

- (1) Place in folders and save in a user account on a network drive.

- (2) Transfer to an automated records management software application. Print message and file in appropriate hard copy file. Delete the electronic copy.
- (3) Print message and file in appropriate hard copy file. Delete the electronic copy.

SECTION 6. DISPOSITION OF ELECTRONIC MAIL

The legal retention and disposition of electronic mail messages is subject to the same requirements as any other record. This usually requires internal city approval and the completion and submission of a records destruction certificate (<http://kdla.ky.gov/records/recmgmtguidance/Pages/recdestruction.aspx>).

Due to the volume of email and the frequency of deletion, completing a records destruction certificate for email records is not practical. The city will establish and implement procedures to address the disposition of electronic mail records in accordance with city business practice and following records retention schedules approved by the State Archives and Records Commission.

“It is the official policy of the city that all email messages found to be classified as routine correspondence will be deleted after 90 days in accordance with the General Schedule for State Agencies or the Local Government Record Retention Schedule.”

SECTION 7. DEFINITIONS

- (1) Agency (public) – Every state or local office, state department, division, bureau, board, commission, and authority; every legislative board, commission, committee, and officer; every county and city governing body, council, school district board, special district board, municipal corporation, and any board, department, commission, committee, subcommittee, ad hoc committee, council, or agency thereof; and any other body which is created by state or local authority and which derives at least 25% of its funds from state or local authority. (See KRS 171.410(4).)
- (2) Electronic – Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. (See KRS 369.102(1).)
- (3) Email messages – Any communication supported by email systems internally, between other state, local, and federal agencies, and with constituents, voters, vendors, clients, citizens, and others. This definition applies equally to the contents of the communication, the transactional information associated with each message, and any attachments to the body of the message.
- (4) Email systems – Applications that enable users to compose, transmit, receive, and manage text and/or graphic email messages and images across LAN and WAN networks and through gateways connecting the latter with the internet. The approved product for state agencies is Microsoft Outlook/Exchange.
- (5) Electronic mail receipt data – Information in electronic mail systems regarding the date and time of receipt of a message and/or acknowledgment of receipt or access by addressee(s).

- (6) Electronic media – Media capable of being read by a computer, including computer hard disks, magnetic tapes, optical disks, or similar media.
- (7) Electronic record – A record created, generated, sent, communicated, received, or stored by electronic means. (See KRS 369.102(7).)
- (8) Electronic records system – Any information system that produces, manipulates, and stores public records by using a computer.
- (9) Employees (for the purposes of this policy only) – All users of city email systems, including employees, contractors, consultants, temporaries, volunteers, and other workers within city government.
- (10) Mailing list service – An electronic mailing list hosting service, e.g., Listserv, used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.
- (11) Public record or Record – All books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by a public agency. "Public record" will not include any records owned by a private person or corporation that are not related to functions, activities, programs, or operations funded by state or local authority. (See KRS 171.410 (1).)
- (12) Records officer – Public agency employee who represents their unit of government in its records management relations with the State Archives and Records Commission and the KDLA Record Retention Schedule as defined in 725 KAR 1:010.
- (13) Transactional information - Information about the email message that can include name of the sender and all recipients, date and time the message was created and sent, host application that generated the message, and all of the systems and computers the message was routed through. Some or all of this transactional information may or may not be a visible part of the message. The federal courts have ruled that this information is a vital part of the message itself and is an important consideration when storing email messages.

(From *Guidelines for Managing Email in State Government.*)

Figure 1.1 Decision Sequence for Determining Email Retention

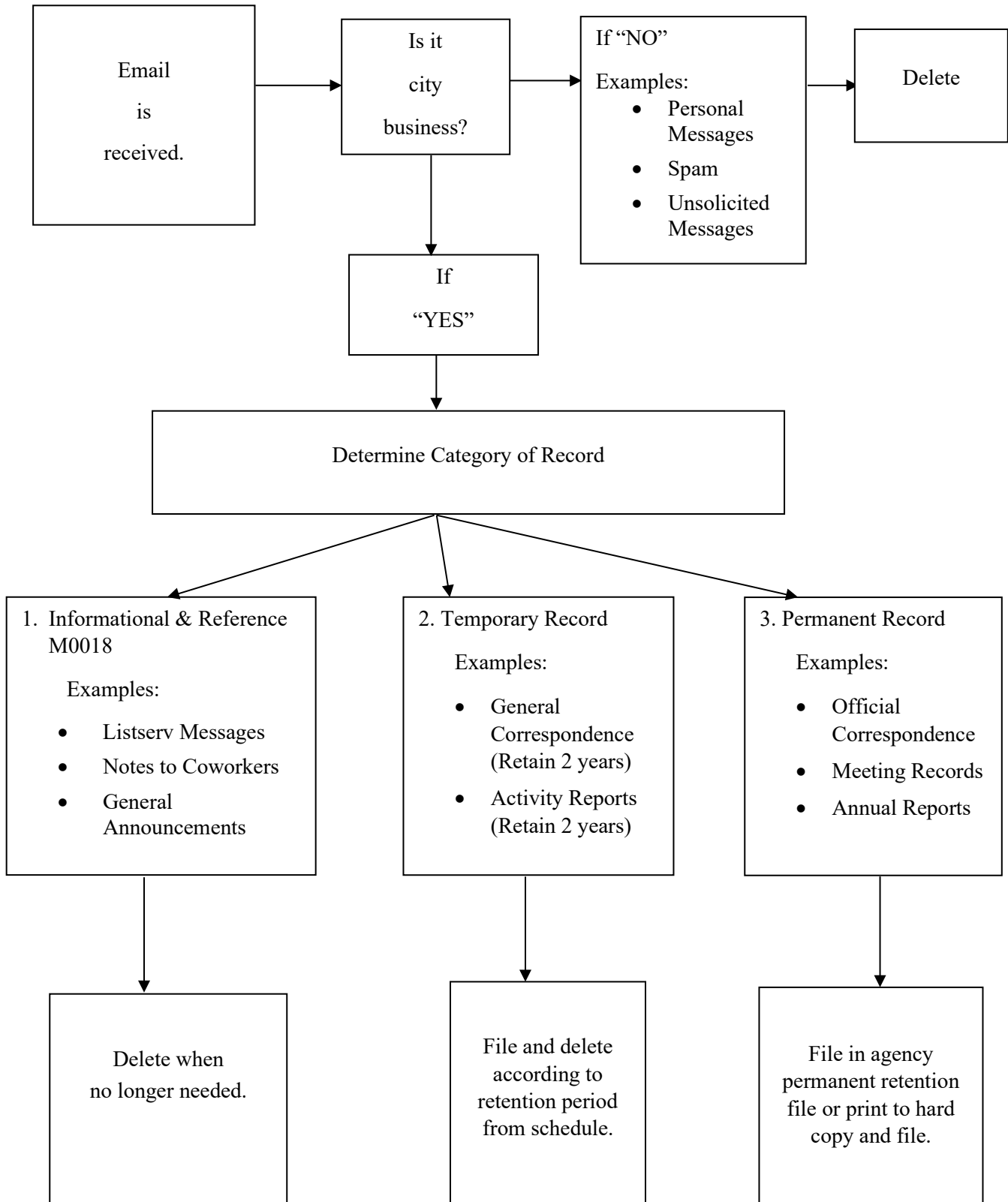
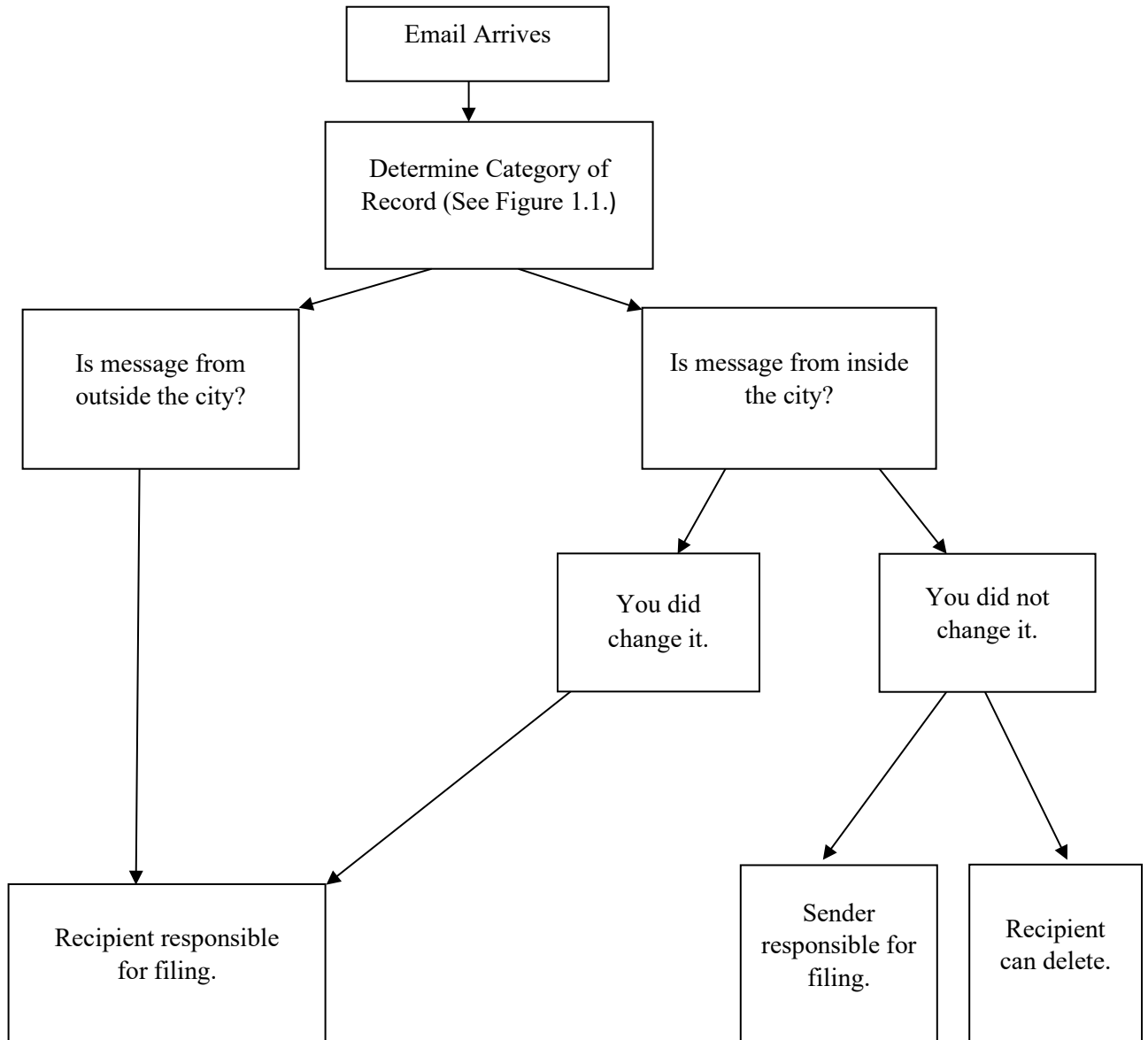


Figure 1.2 Determining Responsibility for Retaining Email Messages

Because email messages can be forwarded and routed to multiple addresses, copies of the messages may exist in many areas of the agency. In most cases the author or originator of the email message is responsible for maintaining the “record” copy. However, in cases in which the recipient has altered the message, i.e., made changes, added attachments, etc., or when the message is coming from outside the agency and therefore not documented anywhere within the agency, the recipient is the one responsible for retaining the message.



APPENDIX D – CUSTOMER SERVICE PRINCIPLES

The purpose of these principles is to establish guidelines and expectations for city employees when providing customer service to city residents, the business community, and coworkers.

This policy discusses communication techniques to use when interacting with customers. It also sets forth standards for the time it should take an employee to respond to a customer's request for information or service. Telephone and email communication are important means with which to provide customer service. As such, this policy also includes a discussion regarding proper etiquette for these types of communication.

Providing effective customer service can often be difficult and challenging. Customers can oftentimes be impatient, frustrated, or angry. This policy offers tips on how to best communicate with customers in these situations as well as suggestions for dealing with the associated personal stress.

Working for city government offers a unique opportunity to positively impact the quality of life for city residents and businesses. Every interaction an employee has with a customer is an opportunity to provide comprehensive and timely customer service. Consistently applying effective customer service techniques while adhering to established performance standards will improve the quality and effectiveness of the city's overall customer service program.

General - External and Internal Customers

There are both external and internal customers. External customers include anyone who comes to or calls city offices; all city residents and businesspersons; and visitors who use city businesses, city services, or attend city events. Internal customers include the elected officials and fellow city employees who are affected by the service you provide.

City employees are expected to treat every customer, whether external or internal, with courtesy and respect. In dealing with external customers, city employees are expected to be consistent in their application of city rules and requirements. In matters concerning fellow employees, city employees are expected to maintain a consistently high standard of conduct and support one another with timely and accurate communication. This will help city staff provide better service to the external customers and avoid duplication of efforts.

Customer Expectations and Sources of Frustration

To best serve customers, it is helpful to understand their expectations and to be aware of common causes of customer frustration. A customer will generally expect the following basic needs to be met: *to be understood, to feel welcome, to feel important, and to feel comfortable.*

Common causes for customer frustrations include having unmet expectations; being upset at someone or something; feeling that no one seems to listen or care; believing that services have not been delivered as expected; broken promises; being treated rudely; inconsistency or inaccurate information from city employees; and unfamiliarity with city procedures/ordinances.

With the above in mind, customers should always be taken seriously, treated with respect, given necessary and correct information, and able to speak to someone who will assist in addressing their concern.

Communication Techniques

1. Communication tips to promote effective customer communication:
 - Listen actively by maintaining eye contact.
 - Use the person's name in the conversation, as appropriate.
 - Take notes.
 - Hear the entire message.
 - Use a pleasant tone of voice when speaking and smile, if appropriate. (Note: Smiling when a customer is upset can give off a feeling to the customer that the employee thinks the situation is a joke.)
 - Paraphrase or clarify the customer's message.
 - Avoid making snap judgments.
 - Give appropriate feedback.
 - Avoid using negative phrases such as: *"You have to," "You can't," "You must,"* and *"You need to."* These words may instantly create a confrontational situation between people. Whenever possible, try using the following phrases instead: *"I'm going to ask you to do this"* or *"I can help you with that if you consider doing this."*
2. Voice characteristics that can assist in ensuring effective communication when speaking to customers:
 - Volume – Maintain an adequate voice volume. If you speak too softly, the customer will have to strain to hear you or may not be able to hear you at all. Questions such as *"What did you say?"* or *"Could you repeat that?"* are indications that you are speaking too softly. In addition, it is important not to speak loudly. Speaking in a loud voice may make the customer feel threatened and uncomfortable.
 - Speaking rate – Speak at a constant rate. Speaking too slow or too fast may make it difficult for the customer to concentrate on what you are saying.
 - Pausing – Pausing allows you to place emphasis on a particular point, take a breath, or collect your thoughts. However, pausing too long or too often can become annoying.
 - Inflection – Inflection is a change in volume, rate, and/or pitch to give particular emphasis to something said. Inflection varies among speakers. Therefore, it is best to speak in a natural voice. While speaking in a monotone should be avoided, an overly dramatic presentation is equally inappropriate.
 - Type of voice – Your attitude and manner of speaking express to the customer a particular point of view, meaning, or feeling. Be positive and courteous. When speaking on the phone, one's facial expression is reflected in one's voice. Smiling or maintaining a pleasant expression will help convey a friendly attitude.

- Pronunciation/articulation/enunciation – Clear speaking establishes credibility while garbled speaking does the opposite. Avoid slurring words and running words together. For example, say “*Who is it?*” instead of “Whosit?” Do not eat when speaking on the phone.

Customer Service Guidelines

The purpose of these guidelines is to establish standards for responding to customer inquiries. They should be used when communicating on the telephone, through electronic mail, or in written correspondence.

1. Routine versus Non-Routine Requests – Requests that are relatively straightforward and do not require a great deal of research are considered routine. Employees are expected to make every effort to respond to routine inquiries on the same business day, but no later than the end of the next business day.

Requests that require a more detailed review are considered non-routine. Non-routine requests should be responded to as soon as possible, but no later than the end of the second business day after the day on which the request was received. If a request has not been completed within this time frame, employees are expected to inform the customer and provide an estimated time frame as to when you expect to fully respond to the request.

2. Telephone Usage and Etiquette Policy – Telephone calls from both internal and external customers should be answered as quickly as possible (within three rings whenever practical).
 - Employees who answer telephones as one of their primary job duties are prohibited from screening phone calls or avoiding calls from a particular person or phone number.
 - Placing a call – When placing calls, employees should identify themselves by city department and name. For example:
“Hello, this is Glen Smith calling from the City of Oak Grove Human Services Division. Is Mr. Williams available?”
 - If the intended party answers, provide them with accurate and concise information, following the same protocol when receiving calls as described below. If an employee must leave a message, they should be sure to clearly state their name, city department, phone number, and a brief summary of the purpose of the call. When possible, repeat the return phone number twice. For example:
“Hello, this message is for Mr. Billy Williams. This is Jim Johnson calling from the City of Oak Grove Human Services Division. My number is 000-000-0000. I am returning your call regarding the water department bill. Again, I can be reached at 000-000-0000. Thank you.”
 - Receiving calls – Employees are expected to answer the telephone in a courteous and professional manner. After the employee’s greeting, the caller should be allowed to state their business or concern. Employees are advised to listen carefully and never cut a caller off before they are finished speaking.

- The employee should then attempt to assist the caller by providing accurate information in as concise a manner as appropriate. Provide only factual information and refrain from giving opinions or speculating.
- When the information has been provided, ask the caller if they need any further assistance. Once the caller is ready to hang up, thank the caller. Never hang up if the caller is still speaking unless the caller is abusive. More information on responding to complaints and angry customers is below.
- Transferring calls and placing calls on hold – Employees should make every effort to assist the caller and avoid placing the caller on hold or transferring. If an employee is unable to assist a caller, needs information from another employee, or the caller needs to speak with someone from another department, the call may be transferred and/or placed on hold. The employee should say something like:

“I am unable to help you with this issue, but I’d like to transfer you to someone who can help. May I place you on hold briefly while I contact them to transfer your call?”
- Unless the caller is insistent, do not transfer them to another employee or their voicemail if the caller is angry. Instead, offer to take a message and make certain the message is delivered promptly. Similarly, avoid sending angry callers directly to the mayor without consulting your immediate supervisor to see if they can resolve the issue.
- If the customer gives permission, call the extension of the employee who will be able to help. Avoid transferring a call without speaking to the other employee. It is difficult for employees to take calls without preparation and the caller will find it frustrating if they are required to restate their request. If the employee answers, briefly share the caller’s identity and general request. Prior to putting the customer on hold, it is a good idea to let the customer know the employee’s extension just in case the call gets lost or dropped.
- If the employee you are trying to reach is not available, inform the caller that the person is unavailable and offer to take a message or transfer the caller to the employee’s voicemail. Do not transfer the caller to an employee’s voicemail without the permission of the caller. If the caller does not wish to leave a message, inform them politely that they are welcome to call back at another time.
- Call forwarding – It may be necessary at times for employees to utilize the call forwarding feature through the phone system when out of the office. Employees should check with their supervisor to see if they should use the call forwarding feature or an out-of-office voicemail greeting when planning to be out of the office.
- When out of the office, phone calls are generally forwarded to another employee or to a city-issued cell phone but may be forwarded elsewhere as needed at the discretion of the supervisor.

- Employees should consult the user prompts on their office telephone for instructions on how to forward calls or contact the city clerk or their designee for further assistance.
- Taking messages – If a caller is seeking a particular employee and that person is not available to answer their phone, inform the caller and ask if another employee may assist them, if appropriate.
- If the employee is not available to take the call, the answering employee should avoid providing unnecessary information to the caller. For example, state *“I’m sorry, Jane is not available at this time.”* instead of: *“Jane is down in the lunchroom right now.”* The employee taking the call should offer to take a message or offer to transfer the call to the employee’s voicemail. Allow the caller to choose the method of message delivery.
- Messages should include the information listed below. It is important for employees to take good notes and give messages to other employees promptly, in order to provide quick and accurate customer service:
 - Name of the person who the message is for, date, and time.
 - Name or initials of the employee taking the message.
 - Name of the caller’s business/organization, if needed.
 - Telephone and other contact information where the caller can be reached.
 - Consider asking for the best time to return a call.
 - Purpose of the call/message/request.
 - Action requested by the caller, such as wants to see you, please return call, will call back, etc.
 - Repeat the information back to the caller to check accuracy.
- Returning telephone calls – Employees should make every effort to check their voicemail often and return calls as quickly as possible, within one business day or sooner. If an employee is on shift work, voicemail greetings should convey the fact that calls will be returned when the employee returns to work. Greeting messages should specify the date the employee expects to return to work.
- Voicemail greeting – When setting up the primary greeting, employees should include their name and department. Greetings should be polite and concise. For example:

“Hello, you have reached the voicemail of Bill Jones, City of Oak Grove Public Works Department. I am unable to take your call at this time. At the tone, please leave your name, phone number, a brief message, and I will return your call as soon as possible. Thank you.”
- Greetings can be enhanced to allow the caller to speak to a live person if they do not wish to leave a message.

3. Email Usage and Etiquette Policy – Email messages from both internal and external customers should be answered as quickly as possible, by the end of the business day if practical. Employees are expected to respond to emails in a concise and professional manner. Following are email etiquette tips to follow when initiating or responding to an email:
- Be concise and to the point – Do not make an email longer than it needs to be. Keep the important information as close to the top of the email message as possible. Remember that reading an email is harder than reading printed communications and a long email can be very discouraging to read.
 - Respond promptly – Customers generally send an email because they wish to receive a quick response. As noted above, every effort should be made to reply to a routine request within the same business day but no later than the end of the next business day. If the request is complicated (non-routine), reply to the email stating that you have received their email and you expect to get back to them within a certain time frame.
 - If you are out of the office for an extended period, place an out-of-office message on your email stating the date that you will respond to them, as well as an alternative person to call or email.
 - Use proper spelling, grammar, and punctuation – This is very important because improper spelling, grammar, and punctuation give a poor impression of the city. Moreover, it is important for conveying the message properly. Emails with no full stops or commas are difficult to read and can sometimes even change the meaning of the text. Avoid using acronyms or city jargon as the reader may be unfamiliar. Use the spell check option for longer email messages.
 - Use proper structure and layout – Since reading from a screen is more difficult than reading from paper, structure and layout are very important for email messages. Use short paragraphs and blank lines between each paragraph. When making points, consider numbering them. Do not use a background font or design that detracts from your message.
 - Do not overuse the high priority option or it will lose its function when you really need it. Moreover, even if an email has high priority, your message will come across as slightly aggressive if you flag it as “high priority.”

Email Etiquette Tips

- Do not write in CAPITALS – IF YOU WRITE IN CAPITALS IT SEEMS AS IF YOU ARE SHOUTING. This can be annoying and may trigger an unwanted response from the recipient.
- Don't leave out the message thread – When you reply to an email, it is more often than not best to include the original mail in your reply; in other words, click “Reply” instead of “New Mail.” If a person receives too many emails they obviously cannot remember each individual email. This means that a “threadless email” will not provide enough information and they will have to spend a frustratingly long time to find out the context of the email. Leaving the thread

might take a fraction longer in download time, but it will save the recipient the time and frustration of looking for the related emails in their inbox or deleted folder.

- Read the email before you send it – Reading your email from the recipient’s point of view will help you send a more effective message and avoid misunderstandings and inappropriate comments.
 - Do not overuse “Reply to All” – Only use “Reply to All” if you really need your message to be seen by each person who received the original message.
 - Take care with abbreviations and emoticons – Try not to use abbreviations such as BTW (by the way) and LOL (laughing out loud). The recipient might not be aware of the meanings of the abbreviations and in business emails these are generally not appropriate. The same goes for emoticons, such as the smiley 😊 . If you are not sure whether your recipient knows what it means, it is better not to use it.
 - Take care when requesting delivery and read receipts – If you decide it is necessary to request a delivery and read receipt, be advised that doing so could annoy your recipient before they have even read your message. Besides, it often does not work since the recipient could have blocked that function. If you want to know whether an email was received it may be better to ask the recipient to let you know if it was received.
 - Do not ask to recall a message – Chances are that your message has already been delivered and read. It is better just to send an email to say that you have made a mistake. This will look much more honest than trying to recall a message.
 - Use a meaningful subject – Try to use a subject that is meaningful to the recipient as well as yourself.
 - Avoid long sentences – Try to keep your sentences to a maximum of 15-20 words. Email is meant to be a quick medium and requires a different kind of writing than letters. Also take care not to send emails that are too long; chances are that the recipient may not want to or have the time to read it.
 - Keep your language gender neutral – Avoid using sexist language such as: “The user should add a signature by configuring his email program.” Apart from using him or her, you can also use the neutral gender: “The user should add a signature by configuring the email program.”
4. Translation and Interpretation Services – At times, employees may need the services of a translator or an interpreter to communicate with a customer. Employees are encouraged to seek guidance from supervisors.

Responding to Complaints and Angry Customers

1. Tips for Handling Complaints Effectively
 - Be patient – Do not interrupt the customer. Give the customer ample time to explain the issue. Project an air of interest, concern, and genuine desire to help the customer.

- Be understanding – Do not be judgmental. Customers want empathy. Let them know you understand by summarizing their concerns. The following statements demonstrate that you understand their concern:

“Let me see if I understand this....” -or- “You are feeling _____ because _____.” Speak calmly and slowly – this should help relax the customer and allow you to address the facts, not cater to the emotions. Speaking calmly and slowly will also help you to stay calm and focused.
- Sincerely apologize for the inconvenience – Even if you sense that the problem is not the fault of your department or the city and clearly not your fault, apologize to the customer for the inconvenience they have experienced. This is not admitting guilt or patronizing the person, but rather will communicate sympathy, understanding, and a willingness to assist the customer.
- Identify the problem – Based on the information the person communicates to you, restate the problem/issue in a concise way to make sure that all of the points are covered completely and to ensure that you have understood them correctly.
- Identify solutions – Depending on the specifics of the particular conversation and your knowledge of the organization, a solution may involve taking notes, promising to research the matter, and following up at a later date. If it is a person on the telephone, a potential solution might be to have the person come into the office to speak to another employee.
- Make an agreement – You and the customer should determine what is to be done, when it is to be done, and by whom.
- **Follow-up personally to make sure the customer has been satisfied.**

2. Dealing with Angry Customers – When handling or responding to complaints and/or angry customers, the employee should be patient while allowing the customer to vent a reasonable amount of stress, anger, and/or frustration. Employees must remain calm and respectful at all times. Make an effort not to take complaints personally, assign blame or judgment, and attempt to follow the tips for handling complaints effectively.

When customers are offensive on the telephone, avoid the following behaviors:

- Hastily and/or unnecessarily transferring a complaint caller to an unsuspecting coworker.
- Ignoring a complaint caller while they “talk themselves out and calm down.”
- Placing a complaint caller on hold without a periodic check-in.
- Responding to the complaint by saying, *“Sorry, that’s not my job.”*
- Placing the blame on another department or employee. It solves nothing and hurts morale.
- Hanging up as if by accident.
- Promising to call right back. If you need to return the call, give a reasonable time frame.

- Also, do not promise that someone else will return the call. Promising to give the message to the appropriate person is acceptable.
3. When a Customer Uses Abusive Language – Employees are not expected to put up with verbally abusive customers who use obscene or threatening language. If a customer is verbally abusive, keep the following in mind:
- Explain that the conversation is not resolving the problem.
 - Politely end the conversation by saying: *“I am not comfortable with the way you are talking to me. Perhaps it would be better if we discussed this at another time.”*
 - Notify the appropriate person in your department or supervisor who may receive a visit or a phone call from this person and present the facts as you see them.

When a customer is offensive and remains irate or refuses to listen, politely inform the customer that nothing can be done unless the customer cooperates. Inform the customer that their behavior is not acceptable, and that no assistance can be provided unless the conduct changes appropriately. If the customer refuses to cooperate, the employee should calmly inform the customer that they are terminating the conversation due to the customer’s behavior. For example:

“I am sorry, sir or ma’am, but I cannot help you if you continue to shout at me. I am ending the conversation at this time.” -or- “I am sorry, sir or ma’am, but I cannot help you if you continue to use abusive language. I am ending the conversation at this time.”

If the customer makes threats or in any way indicates a danger to safety, immediately inform the police department. Also, inform a supervisor as soon as possible of the incident and how it was handled. Record the details of the incident and provide a copy to the appropriate supervisor for reference purposes.

Stress Management and EAP

It is normal for city employees to feel “stressed out” when attempting to provide effective customer service, especially to individuals who are overbearing or angry. For tips on how to recognize and deal with personal stress, consider the city’s EAP. Information on this program can be found in Section 6.

Conclusion

The standards herein are designed to help ensure that contact with customers will always be handled in a professional, courteous manner and that city employees are providing the best possible internal and external customer service. Employees are encouraged to submit suggestions for amending and improving this policy and associated guidelines. Any suggestions or comments should be directed to city clerk’s office.

HR FORM 01 – HANDBOOK ACKNOWLEDGMENT

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

I understand that the City of Oak Grove Employee Handbook is not an express or implied contract of employment, that my employment is at will, and that my employment may be terminated at any time by me or the city. No officer, manager, or other representative has any authority to enter into any agreement, oral or written, for employment for any specified period of time, or to make any agreement contrary to the foregoing unless approved by action of the mayor in accordance with the city budget.

I understand that the City of Oak Grove is an Equal Opportunity Employer. As outlined in the City of Oak Grove Employee Handbook, it is the city's policy to afford equal employment opportunity to all qualified persons regardless of race, color, religion, age, sex, sexual orientation, gender identity, genetic makeup, pregnancy, childbirth, pregnancy/child birth-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. I understand any questions about this policy should be directed to my department head, any department head, or management staff.

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

Employee Name

Employee Signature

Date

HR FORM 02 – JOB DESCRIPTION REVIEW AND ACKNOWLEDGMENT

	Department Head	Employee
Discussed essential job functions.	_____	_____
Discussed additional job duties.	_____	_____
Discussed physical requirements.	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I certify that I have received a copy of the job description for my position as _____ and have read and fully understand the requirements and expectations. I have discussed the contents of the job description with _____ and have had an opportunity to ask my department head or the management personnel questions. I further certify that I have the ability to meet the job requirements, including the physical requirements.

Employee Printed Name

Employee Signature

Date

Department Head Printed Name

Department Head Signature

Date

HR FORM 03 – BACKGROUND CHECK RELEASE

- (1) I, _____, give the City of Oak Grove my permission to conduct a criminal background and/or credit check using my name and personal information.
- (2) I understand the information given and received will be kept confidential and may affect an employment offer.
- (3) I understand that a criminal conviction does not automatically disqualify me from employment since the nature of the offense, date, and the job for which I am applying is also considered. In addition, pursuant to KRS 335B.020, no person will be disqualified from public employment solely because of a prior conviction of a crime, unless the crime for which they were convicted directly relates to the position of employment sought or as required for the position, e.g., police, fire, EMS.

Full Name _____

Maiden Name (if applicable) _____

Other Former Names (list all) _____

Birthday (MM/DD/YYYY) ____ / ____ / ____ Social Security Number ____ - ____ - ____

Driver's License Number _____ Issuing State _____

Applicant Signature

Date

HR FORM 04 – DRIVER’S LICENSE BACKGROUND CHECK

RELEASE CONFIDENTIAL

Based on the fact that I will need to drive a city-owned vehicle or my own vehicle on city business, I, _____, give the City of Oak Grove my permission to conduct a driver’s license background check using my name and personal information.

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

Full Name _____

Maiden Name (if applicable) _____

Other Former Names (list all) _____

Birthday (MM/DD/YYYY) ____/____/____ Social Security Number ____-____-____

Driver’s License Number _____ Issuing State _____

Applicant Signature

Date

HR FORM 05 – DRUG- AND ALCOHOL-FREE WORKPLACE ACKNOWLEDGMENT

- (1) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited within the workplace of the City of Oak Grove. (See Section 3 of the Drug- and Alcohol-Free Workplace Policy contained within the handbook.)
- (2) An employee found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate disciplinary action up to and including, termination or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.
- (3) Each employee is required as a condition of employment to abide by the terms of paragraph (1) of this acknowledgment and notify the employer of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction.
- (4) The city will, within 30 days after receiving notice from an employee of a conviction pursuant to paragraph (3), take appropriate disciplinary action against such employee up to and including termination.
- (5) The city also assures to make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), and (4).

CERTIFICATION AND ACKNOWLEDGMENT

I _____ do hereby certify that I have read and understand the City of Oak Grove's Drug- and Alcohol-Free Workplace Policy and have received a copy of the aforementioned policy.

Employee Signature _____

Parent/Guardian Signature _____
(if employee is under 18 years of age)

Date _____

HR FORM 06 – AGREEMENT TO ACCEPT COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY

I understand that, in accordance with the provisions of the Fair Labor Standards Act (FLSA) and KRS 337.285, nonexempt employees are allowed, with the approval of their department head, to accrue compensatory time off work instead of receiving payment for overtime hours worked.

I voluntarily agree ahead of time to accept compensatory time off in lieu of overtime pay for any overtime hours which I will work from _____(date) to _____(date). I understand that I will accrue compensatory time at the rate of one and one-half hours for each overtime hour which will be worked during this period. I understand that this compensatory time will not be counted as time worked for purposes of computing overtime or additional compensatory time.

I further understand that compensatory time may be accrued up to 240 hours for nonpublic safety employees *OR* 480 hours for public safety employees and must be used or paid in accordance with city policy and the law. I understand that I may use the compensatory time within a reasonable period after making the request to use the time if the use of the compensatory time does not unduly disrupt the operations of the employer. I also understand that the city can require me to take compensatory time off in order to manage the accrual limitation. In addition, I understand that it is the sole responsibility of this department to monitor and maintain records of my accrued and used compensatory time.

I understand that if I were to resign, be terminated from this position, transferred from this department, or be promoted into an exempt position within this department, this department is responsible for arranging for me to use or to be paid the balance of my accrued compensatory time 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.

I understand that this agreement is only in effect for the specific date or dates cited above.

Employee

Printed Name _____ Title _____

Signature _____ Department _____ Date _____

Department Head Approval

Printed Name _____ Title _____

Signature _____ Department _____ Date _____

HR FORM 07 – TIME RECORDS

BI-WEEKLY TIME SHEET											
City of Oak Grove											
Street Address:	8505 Pembroke Oak Grove Rd			Pay Period Start Date:		Input the start date here and every other date with automatically populate.					
Address 2:	P.O. Box 250			Pay Period End Date:		If you are doing manual timesheets, do this before you print.					
City, State ZIP:	Oak Grove, Ky 42262										
Employee:	Print/Type First and Last Name			Department:	Print/Type Department						
Supervisor:	Print/Type First and Last Name										
Day	Date	Start Time	End Time	Holiday	Sick	Vacation	Other	Total	Over Time Earned		
Saturday				We should have a completed signed leave slip already turned in or attached to this timesheet for all time placed in this area							
Sunday										8.00	
Monday										8.00	
Tuesday										8.00	
Wednesday										8.00	
Thursday		8	4:30					8.00			
Friday		8	4:30					8.00			
Total Week 1				0.00	0.00	0.00	0.00	40.00	0.00		
Saturday											
Sunday		8	12:00		4.00			8.00			
Monday				8.00				8.00			
Tuesday											
Wednesday											
Thursday											
Friday											
Total Week 2				8.00	4.00	0.00	0.00	40.00	0.00		

Regular	80.00
Sick	4.00
Vacation	0.00
Holiday	8.00
Other	0.00
Overtime	0.00
Total	92.00

Explanation of Overtime or unusual circumstances (cont. on back)		
Date	Time	Description

I certify that the above time is accurate and correct.

This is how you will be paid on your paycheck. Please double check your work.

Please sign here

Employee Signature _____

Please have your supervisor sign here

Supervisor Signature _____

HR FORM 08 – REPORT OF WORK-RELATED INJURY

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

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

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Applicable in Alaska

A person who willfully makes a false or misleading statement or representation for the purpose of obtaining or denying a benefit or payment is guilty of theft by deception.

Applicable in Arkansas

Any person or entity who willfully and knowingly makes any material false statement or representation for the purpose of obtaining any benefit or payment, or for the purpose of defeating or wrongfully decreasing any claim for benefit or payment or obtaining or avoiding worker's compensation coverage or avoiding payment of the proper insurance premium (or who aids and abets for either said purpose), under this chapter shall be guilty of a Class D. felony.

Applicable in California

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

Applicable in Connecticut

This form must be completed in its entirety. Any person who intentionally misrepresents or intentionally fails to disclose any material fact related to a claimed injury may be guilty of a felony.

Applicable in Delaware and Oklahoma

Any person who, knowingly and with intent to injure, defraud, or deceive any Insurer, files a statement of claim containing any false, incomplete or misleading information is guilty of a felony. The lack of such a statement shall not constitute a defense against prosecution under this section. *Delaware Statutes Regulation: Del #C Section 913(B)

Applicable in Florida

Any person who, knowingly and with intent to injure, defraud or deceive any employer or employee, insurance company or self-insured program, files any statement of claim containing any false or misleading information is guilty of a felony of the third degree.

Applicable in Idaho

Any person who Knowingly and with the intent to injure, Defraud, or Deceive any Insurance Company, Files a Statement of Claim Containing any False, Incomplete or Misleading information is Guilty of a Felony.

Applicable in Indiana

A person who knowingly and with intent to defraud an insurer files a statement of claim containing any false, incomplete, or misleading information commits a felony.

Applicable in Kentucky and New York

Any person who knowingly and with intent to defraud any insurance company or other person files a statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime. In New York, such person shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

Applicable in Michigan

Any person who knowingly and with intent to injure or defraud any insurer submits a claim containing any false, incomplete, or misleading information shall, upon conviction, be subject to imprisonment for up to one year for a misdemeanor conviction or up to ten years for a felony conviction and payment of a fine of up to \$5,000.00.

Applicable in Minnesota

A person who files a claim with intent to defraud or helps commit a fraud against an insurer is guilty of a crime.

Applicable in Nevada

Pursuant to NRS 686A.291, any person who knowingly and willfully files a statement of claim that contains any false, incomplete or misleading information concerning a material fact is guilty of a felony.

Applicable in New Hampshire

Any person who, with purpose to injure, defraud or deceive any insurance company, files a statement of claim containing any false, incomplete or misleading information is subject to prosecution and punishment for insurance fraud, as provided in RSA 638:20.

Applicable in New Jersey

Any person who knowingly files a statement of claim containing any false or misleading information is subject to criminal and civil penalties.

Applicable in Ohio

Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

Applicable in Pennsylvania

Any person who knowingly and with intent to injure or defraud any insurer files a claim containing any false, incomplete or misleading information shall, upon conviction, be subject to imprisonment for up to seven years or payment of a fine of up to \$50,000.

Applicable in Utah

Any person who knowingly presents false or fraudulent underwriting information, files or causes to be filed a false or fraudulent claim for disability compensation or medical benefits, or submits a false or fraudulent report or billing for health care fees or other professional services is guilty of a crime and may be subject to fines and confinement in state prison.

EMPLOYEE SIGNATURE:

IA-1 (2-95)

HR FORM 09 – ABSENTEE REQUEST



CITY OF OAK GROVE TIME ALLOTTMENT REQUEST

Name: _____ Dept: _____

Type of Absence Requested:

- Sick Vacation Bereavement Leave Without Pay
 Military Jury Duty Maternity/Paternity Other (i.e. Comp Time)

Time Donation to: _____ Type Vacation Comp

Dates of Absence: _____ To: _____ Total Hours/Days: _____

Employee Signature _____ Date _____

FOR OFFICE USE ONLY

Type Hours Available: _____ Type Hours Balance: _____ As of: _____

- Approved Rejected

Comments: _____

Affirmed By: _____ Date: _____

Ogshereq000100



CITY OF OAK GROVE TIME ALLOTTMENT REQUEST

Name: _____ Dept: _____

Type of Absence Requested:

- Sick Vacation Bereavement Leave Without Pay
 Military Jury Duty Maternity/Paternity Other (i.e. Comp Time)

Time Donation to: _____ Type Vacation Comp

Dates of Absence: _____ To: _____ Total Hours/Days: _____

Employee Signature _____ Date _____

FOR OFFICE USE ONLY

Type Hours Available: _____ Type Hours Balance: _____ As of: _____

- Approved Rejected

Comments: _____

Affirmed By: _____ Date: _____

Ogshereq000100

HR FORM 10 – VOLUNTEER TIME OFF/BLOOD DONATION REQUEST

Date of Request _____

Employee Name _____

Charitable Organization/Blood Center Information

Name _____

Address _____

Website _____

Date(s) and time(s) of requested leave.

Total number of hours requested (not to exceed eight hours per calendar year). _____

Description of volunteer activity you would like to do within Christian County, **OR** indicate if this is for blood donation.

Employee Signature _____ Date _____

Department Head Signature _____ Date Received _____

SUBMIT COMPLETED AND APPROVED FORM TO THE ACCOUNTANT/HUMAN RESOURCES.

HR FORM 11 – SICK LEAVE DONATION REGISTRATION

Name of Donor _____

Department _____

I hereby certify that this donation is given without expectation or promise for any purpose other than that stated in the City of Oak Grove Sick Leave Donation Policy. I also understand that I must make an initial donation of 15 hours of sick leave time to participate in the Sick Leave Donation Program, and that I will be assessed 7.5 hours per year for the following three years to continue participation. In addition, I acknowledge that I will be assessed 7.5 hours every other year beginning on the fifth year of participation in the Sick Leave Donation Program. I may also be required to donate additional sick leave time when the sick leave bank falls below a certain monetary value as determined by the city.

Donor Signature

Date

This is to certify that the employee named above has a sufficient sick leave balance to donate the hours indicated in the City of Oak Grove Sick Leave Donation Policy.

Sick Leave Donation Administrator Signature

Date

To be completed by donor's payroll officer.

Donor's sick leave balance _____ - donation _____ = _____ remaining sick leave balance

Copies to
Employee Personnel File
Employee

HR FORM 12 – APPLICATION FOR USE OF SICK LEAVE DONATION TIME

Name of Requestor _____

A city employee actively participating in the Sick Leave Donation Program is eligible to receive a maximum of twelve weeks or 480 hours.

Requested Dates for Sick Leave Donation Time

From _____ To _____

Total Days/Hours Requested _____

Explanation of serious health condition of employee or employee's immediate family member.

Note: The accountant /human resources and the recipient's immediate department head may request additional documentation and certification to confirm the serious health condition.

Requestor Signature _____ Date _____

- Approved _____ Date _____
- From _____ To _____ Total Hours _____
- Or Incremental Time Approved as Follows _____
- Denied _____ Date _____

Reasons for Denial:

- Paid leave not exhausted.
- Not a serious health condition as defined by the Family Medical Leave Act.
- Not an immediate family member as defined by the Family Medical Leave Act.
- Job-related injury covered by workers' compensation.
- Documented abuse of the Sick Leave Policy in the previous 24 months.
- Not an enrolled member of the Sick Leave Donation Program.
- Other _____

Copies to Employee Personnel File
 Employee
 Manager/Director

HR FORM 13 – FMLA LEAVE REQUEST

I, _____, request to be placed on the city's Family and Medical Leave of Absence in regard to the following:

Reason for Leave of Absence

- The birth of a child or placement of a child with me for adoption or foster care.
- My own serious health condition.
- Because I need to care for my spouse child parent due to their own serious health condition.
- Because of a qualifying exigency arising out of the fact that my spouse, son, daughter, or parent is on active-duty status in support of a contingency operation as a member of the National Guard or Reserves.
- Because I am the spouse son daughter parent next of kin of a covered service member with a serious injury or illness.

Family and Medical Leave Start Date _____

Family and Medical Leave End Date _____

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

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

Employee Signature _____ Date _____

Mayor Approval _____ Date _____

HR FORM 14 – FMLA MEDICAL UPDATE

For Completion by the HEALTH CARE PROVIDER

Employee Name _____

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

Provider’s Name and Business Address _____

Type of Practice/Medical Specialty _____

Telephone () _____ Fax () _____

CHANGES IN MEDICAL CERTIFICATION

Identify the question number in the original certification with your response.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

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

HR FORM 15 – FMLA MEDICAL RELEASE RETURN TO WORK

(To be completed by health care provider.)

Page 1 of 2

Due Date of Form _____

Employee Name _____

Position _____

Department _____

NOTE TO THE EMPLOYEE: It is the responsibility of the employee to have their treating physician(s) complete this form. It is the responsibility of the employee to ensure that the form is returned to the city clerk by _____ .

Health Care Provider Instructions

Complete this section by marking the applicable statements, providing the requested information, and signing and dating where indicated. You may provide comments on a separate sheet if you need additional space. Please review the attached list of essential job functions in answering the following questions.

1. Please review the attached list of essential job functions. Is the employee currently able to perform the essential function of their job?

Yes Yes, with restrictions and/or accommodation. No

2. In reviewing the list of essential functions of the employee’s job, list any medically necessary restrictions that the employee has in returning to active employment.

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

Permanent Temporary

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

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

Name of Health Care Provider _____

Specialty _____

Address _____

Signature of Health Care Provider

Date

HR FORM 16 – TRAVEL, MEETING, AND TRAINING REQUEST

This form is to be filled out prior to the event.

Name _____

Department Head Approval _____ Mayor Approval _____

Department _____

Meeting Title _____ Meeting Date _____

Meeting Location _____

Reason for Attendance _____ Estimated Cost _____

Name of Spouse/Guest Attending

(City will not pay for spouse/guest attendance.)

Does spouse/guest need to be registered for the conference? Yes No

Special Requirements _____

Hotel Request Yes Will make own reservations. (Must have mayor approval on file.) No

Hotel Other than Conference Hotel _____

Arrival Date _____ Departure Date _____

Choice of Accommodation Single Double King Bed Smoking Non-smoking

Guaranteed to city credit card; spouse/guest to pay own charges. The city will cover room and tax only; however, this must be requested at least five days prior to departure.

Travel Request

Flight Request Yes Will make own reservations. (Must have mayor approval on file.) No

From (city/time) _____ To (city/time) _____

Car Rental Yes (Must have mayor approval on file.) No

HR FORM 17 – COMPLAINT FORM

Employee Information

Name _____ Job Title _____

Complaint Information

Date of Occurrence _____

Have you discussed this issue with your department head? Yes No

Date(s) of Discussion _____ Department Head's Name _____

Issue of Complaint List specific problem(s)/issue(s).

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

List of persons with knowledge of problem.

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

Employee Signature

Date

City Clerk Signature

Date Received

Mayor Signature

Date Received

HR FORM 18 – EXPENSE REPORT

Name _____

Department _____

Meeting Title _____ Meeting Date _____

Meeting Location _____

Reason for Attendance _____

Expense Reimbursement Advance Request Yes No Date Submitted _____

Mileage Request Yes, I used my privately owned vehicle. No, I used a city-owned vehicle.

Date	Number of Miles	Reason for Travel

Total Miles _____ x IRS Mileage Rate = Total Reimbursement Requested \$ _____

Per Diem Request Yes, *with* overnight stay. Yes, *no* overnight stay. No

Was a conference agenda provided? Yes. If yes, attach a copy to the request. No

Total Reimbursement Requested pursuant to GSA Rates (<https://www.gsa.gov/travel/plan-book/per-diem-rates>.)
\$ _____

- Breakfast # of meals _____ x \$ _____ = \$ _____
- Lunch # of meals _____ x \$ _____ = \$ _____
- Dinner # of meals _____ x \$ _____ = \$ _____

Other Expense Request. Attach all itemized receipts and note reason for expense, below.

I attest the above accurately reflects actual expenses incurred on behalf of the city.

Employee Signature _____ Date _____

HR FORM 19 – MISSING RECEIPT AFFIDAVIT

Use with purchasing card for purchases and travel expense transactions.

USE ONE AFFIDAVIT FOR EACH MISSING RECEIPT

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

Reference Number _____ Transaction Date _____

Vendor _____

Detailed Explanation _____

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

Employee/Officer Signature

Date

Approving Official Printed Name

Date

Approving Official Signature

HR FORM 20 – CHANGE IN PERSONAL INFORMATION

Employee Name

Employee Title

Type of Change

Address

Phone

Any status changes, e.g., marital status, birth of child, etc., should be documented on the Change in Status/Termination Election Form, Section 125 Cafeteria Plan Form as outlined in Chapter 3 of the employee handbook.

New Information

HR FORM 21 – DISCIPLINARY FORM

Employee _____ Date _____

Department Head _____ Position _____

Type of Warning _____ Oral Warning _____ First Written Warning
_____ Second Written Warning _____ Suspension/Demotion

Problem _____

Recommended Action to Correct Problem _____

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

Employee Signature Date

Department Head Signature Date

Mayor Signature Date

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

HR FORM 22 – CONTINUOUS FEEDBACK

Employee _____

Department _____ Department Head _____

Goals (___/___/___)

1. _____
2. _____
3. _____

Date	Discussion Notes
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

HR FORM 24 – OUTSIDE EMPLOYMENT REQUEST

Page 1 of 2

Please be advised of my intention to engage in work outside the City of Oak Grove. The employer, type of work I will be doing, and the work hours are as follows:

(1) Prospective Employer _____

Address _____

Telephone Number _____

(2) Type of work that I will be doing. Explain in detail.

(3) Work schedule. Include the hours to be worked and the period of time you will be keeping the job. If you do not know, please state that below.

Hours _____

Days _____

Period of Employment _____

(4) I understand that my outside employment cannot conflict with my city work schedule or cause an actual or perceived conflict with my job duties as an employee of the city or my ethical responsibilities provided for in the Ethics Code. If the city determines that there is an actual or perceived conflict, I will be advised in writing by the mayor. If I continue to maintain outside employment without the approval of the city, I understand that I may be subject to disciplinary action.

(5) I am not presently involved in any job task or responsibility that may create a potential conflict of interest with the outside employer listed above. I agree that if in the future my job duties create an actual or perceived conflict, I will immediately notify the city and take steps to avoid any conflict of interest.

Printed Name _____

Job Title _____

Signature _____

Date _____

.....

I, _____, department head for _____ have reviewed the employee's job duties and assignments as to whether there is actual or perceived conflict.

Recommend

Not Recommended

Reason/Comment _____

Department Head _____ Date _____

.....

I have reviewed the employee's job duties and assignments as to whether there is actual or perceived conflict.

Recommend

Not Recommended

Reason/Comment _____

Mayor _____ Date _____

.....

HR FORM 25 – ACTIVE-DUTY MILITARY LEAVE NOTIFICATION

Name _____ Date _____

Department _____

Date of Leave _____ Approximate Date of Return _____

If leave is expected to extend beyond your paid leave, do you wish to continue your voluntary benefits?
 Yes No

If yes, please list the benefit and amount below.
(Examples: FSA, Life Insurance, Family Health Insurance, United Way Payroll Deductions)

Benefit	Amount
_____	_____
_____	_____
_____	_____

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

_____ Monthly _____ Quarterly _____ Annually

Payments are due as follows. _____

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

Written order attached? Yes No

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

Employee Signature _____ Date _____

Department Head Signature _____ Date _____

Mayor Signature _____ Date _____

Office Use Only

Date Received _____ Copy to Payroll _____ Copy of Orders _____

HR FORM 26 – EMPLOYEE VACATION DONATION FORM

Employee Information:

Full Name: _____

Department: _____

Donation Details:

I would like to donate my leave hours to a fellow employee in need:

Recipient's Full Name: _____

Recipient's Department: _____

Leave Type to Donate:

Vacation Hours _____ (Amount)

Reason for Donation (optional): _____

I understand that by donating my leave hours, they will be transferred to the recipient and deducted from my own balance. I also acknowledge that this donation is voluntary and non-reversible.

Employee Signature: _____ Date: _____

Supervisor Approval:

I have reviewed and approved this leave donation request.

Supervisor Signature: _____ Date: _____

Please submit the completed form to the HR Department for processing.

Please refer to the employee handbook for any specific guidelines or limitations related to making donations.

FOR OFFICE USE

_____ (amount) hrs. have been DEDUCTED from _____ (name) and updated in Edmunds as of _____ (date). _____ (initials).

Vacation Hours: Before Donation _____ Vacation Hours: After Donation _____

_____ (amount) hrs. have been ADDED to _____ (name) and updated in Edmunds as of _____ (date). _____ (initials).



EMPLOYEE HANDBOOK 2024

Kentucky League of Cities
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800.876.4552
KLC.ORG