

**City of Roswell**  
**Human Resources**  
**Policies and Procedures**  
**Manual**



**“Committed to Excellence”**

*Adopted by Resolution of Mayor & Council - June 9, 2014*  
*Revisions Approved by Mayor & Council – December 11, 2023*

# Human Resources Policy and Procedures Manual

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## **Chapter 1 - General Policies**

### **1.0 Definitions**

The term “City” shall refer to the entity known as the City of Roswell, Georgia.

The term “shall” means that an act is mandatory.

The term “may” means that an act is permitted, but not required.

The term “Manual” herein refers to the document known as the “City of Roswell Human Resources Policies and Procedures Manual” formerly known as the “City of Roswell Personnel Manual”.

### **1.1 Title**

The policies and procedures established herein by the Mayor & Council of the City of Roswell, Georgia shall be known as the “City of Roswell Human Resources Policies and Procedures Manual.”

### **1.2 Effective Date of Policies and Procedures**

These policies and procedures shall become effective upon approval, by resolution, of the Mayor & Council and will supersede any and all previous existing personnel policies, standard operating procedures, codes, ordinances, or parts of policies, procedures, code or ordinances in conflict herewith.

### **1.3 Administration**

The responsibility for the administration and interpretation of these policies and procedures is vested in the City Administrator in accordance with policy guidelines established by the Mayor & Council of the City of Roswell. The Director of Human Resources shall monitor and ensure compliance with these policies and procedures.

### **1.4 Modification of Policies**

The City reserves the right to amend, modify, change, replace, suspend or cancel any of its policies and procedures, including this Manual, at any time, with or without notice, for any reason or no reason by a majority vote of the Mayor & Council.

Each policy in this Manual remains in full force and effect until the City issues a written revision. Policies in this Manual may be altered, eliminated, or amended only through a written revision issued by the City’s Human Resources Division, approved by the City Administrator and approved by a majority vote of the Mayor & Council. No employee or official of the City has the authority to make an oral or written modification of any policy in this Manual.

Only the most current version of any policy issued by the City, as determined by the revision date shown on the policy, may be relied upon for guidance as to applicable policies and procedures. The

most current version of any policy in this Manual supersedes any prior policies or practices on the same subject matter, whether said prior policy or practice was written or unwritten.

### **1.5 Violation of Policies**

City employees are in positions created for the public and funded by the public. The public, therefore, has the right to expect that City employees will not abuse the trust placed in them by the public. Therefore, it is the policy of the City to expect its employees to comply with its personnel policies, all state and federal laws, and local ordinances. It is further the policy of the City to expect all employees to cooperate with the City in any investigation effected as a result of allegations of misconduct or grievances filed pursuant to policies outlined in this Manual. Any employee violating any of these personnel policies may be subject to disciplinary action, up to and including termination of employment. It is the sole responsibility of each employee to have read, understood, and clarified any misunderstanding of all policies in this Manual.

### **1.6 Departmental Policies**

Departmental operating policies and procedures shall supplement and conform to the policies set forth in the City of Roswell Human Resources Policies and Procedures Manual. Departmental standard operating procedures in conflict with this “Manual” are not allowed. In the event of a conflict, these personnel policies shall prevail.

### **1.7 Neutral Language**

In keeping with the intent and purposes of “City of Roswell Human Resources Policies and Procedures Manual” when the term “he” or “she”, or its grammatical equivalent, is used herein, the term shall be deemed to include both male and female genders.

### **1.8 Headings**

All chapter titles, headings and captions are for the convenience of reference only and neither limit nor amplify any provision, right, or entitlement provided by these policies.

### **1.9 Purpose of Policies and Procedures**

The general purpose of the City of Roswell Human Resources Policies and Procedures Manual is to: establish a system of personnel administration that ensures equal access based on merit to employment opportunities with the government of the City of Roswell; to provide for the recruitment and development of the most suitable employee for each position in the personnel system of the City of Roswell; to establish a framework for the systematic review and evaluation of the quality with which these jobs are performed; and to establish orderly procedures for administering the personnel system so as to be consistent with the following best business practices:

- Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including competition of qualified applicants for initial appointment;
- Establishing and maintaining adequate and equitable compensation;

- Training employees, as needed, to assure high quality performance;
- Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to any protected characteristic established by applicable law;
- Establishing a procedure for the presentation and adjustment of employee grievances based on alleged discrimination because of any protected characteristic established by applicable law;
- Assuring the City's protection against partisan political coercion and prohibiting its use of official authority for interfering with or affecting the results of an election or the nomination for office.

### **1.10 Applicability of Manual**

This Manual, except as otherwise specifically provided, applies to all employees of the City. The following persons are excepted from the City of Roswell Human Resources Policies and Procedures Manual:

- The Mayor;
- Members of the City Council and other elected officials;
- Members of appointed or elected boards or commissions;
- Staff employed by contract;
- Personnel employed to make or conduct a temporary and special investigation or examination on behalf of the City of Roswell or a committee thereof;
- Volunteer personnel who receive no regular compensation from the City of Roswell;
- Any other positions officially designated by action of the Mayor & Council unless specifically covered by action of the Mayor & Council; and
- Any covered employee to the extent these policies are prohibited by federal, state, or local law.

The following persons are appointed by the Mayor & Council and therefore serve at the pleasure of the Mayor & Council and are excepted from the Disciplinary and Appeals procedures as outlined in Chapter 13 of this Manual:

- The City Administrator;
- The Deputy City Administrator;
- Political Appointees to include the Mayor's Executive Assistant; and the Mayor's Administrative Assistant;
- Department Heads, City Attorney, Assistant City Attorney, and City Clerk

### **1.11 Policy Conflicts**

Where the subject matter in the City of Roswell Human Resources Policies and Procedures Manual is in conflict with the Code of the City of Roswell, Georgia, or the Charter of the City of Roswell, Georgia, the provisions of said Code or said Charter shall prevail.



Excepting the City Code and City Charter, in the event of a conflict between the City of Roswell Human Resources Policies and Procedures Manual and information contained in any other City employment material, the City of Roswell Human Resources Policies and Procedures Manual shall control.

Whenever a federal or state law is different from the City's policy, the City's policy shall be interpreted as being at least as favorable as the minimum requirements of the state or federal law. When the City is subject to a Court Order or Agency Agreement with federal, state, and local agencies, such Orders or Agreements shall prevail over the personnel policies.

Any employment issue which is not specifically included in the Manual or any question which may arise relating to policies not expressly set out herein shall be resolved at the discretion of the City Administrator or his/her designee.

### **1.12 Equal Employment Opportunity Statement**

The City of Roswell does not discriminate on the basis of any prohibited characteristic, including race, religion, color, national origin, citizenship, sex, political affiliation, veteran's status, age, genetic information, sexual orientation, gender identity, to include transgender status or disability.

Any employee who believes that they have been the subject of harassment or discrimination must report the alleged act immediately to their immediate supervisor, or to any supervisor in their chain-of-command. In addition, any employee may report such acts directly to the City Administrator, the Deputy City Administrator, any Department Head, the Director of Human Resources, or the City Attorney, without any adverse consequence for violating the chain-of-command.

The City of Roswell forbids retaliation against any employee for reporting discrimination under this policy, for opposing violations of this policy, or for participating in an investigation of discrimination. **Department Heads must report all such incidents immediately to the Director of Human Resources.**

The City encourages any employee to raise questions they may have regarding discrimination, retaliation or harassment with their supervisor, their Department Head, or the Human Resources Division. Questions may be directed to the Director of Human Resources. The full text of the City's Unlawful Harassment Prevention Policy is found at Chapter 15 of this Manual.

### **1.13 Employment-At-Will**

Nothing set forth in this Manual is intended to grant or to convey any contractual or otherwise enforceable right to continued employment to employees or to otherwise alter or affect the City's status as an "at-will" employer.

### **1.14 Non-Contractual Employment**

The City of Roswell Human Resources Policies and Procedures Manual is intended solely to provide employees with information and guidance as to the City's present policies and procedures. The City of Roswell Human Resources Policies and Procedure Manual is not an employment agreement or

employment contract and contains no binding promises that the City, in its sole discretion, will not change wages, benefits or other working conditions, with or without advance notice.

### **1.15 Non-Retaliation**

The City will not retaliate against any employee who makes a good faith report to the appropriate City representative of illegal discrimination or harassment, nor will the City retaliate against any employee who participates in the investigation of such reports. Further, any employee who engages in such illegal retaliation will be subject to discipline, up to and including termination of employment. Employees shall cooperate with any investigation or risk disciplinary action up to and including termination of employment.

### **1.16 Americans with Disabilities Act**

The City of Roswell supports and complies with the Americans with Disabilities Act. The City will make reasonable accommodations for employees and applicants with disabilities when such reasonable accommodations will permit those employees to perform the essential functions of the respective position. Employees who believe they are disabled and who require a reasonable accommodation, shall inform their supervisor and the Director of Human Resources.

### **1.17 Identification Badge Policy**

The City of Roswell requires employees to participate in a picture ID system. The wearing of ID badges creates a heightened sense of customer service for the citizens of Roswell and promotes safety through identification of employees in City facilities.

#### **1.17.1 Purpose of the Identification Policy:**

- To accurately identify City of Roswell employees through a uniformed picture ID system.
- To create a heightened sense of customer service for the citizens of Roswell.
- To promote safety through identification of employees in City facilities.

#### **1.17.2 Employees Required to Wear ID Badges**

Full-time civilian employees of the City of Roswell will be issued identification badges. Department Heads will be issued a number of “temporary” non-picture ID badges that may be used for persons working on a temporary basis such as consultants or auditors. Department Heads will be responsible for identifying persons who require temporary identification badges. Department Heads may wish to provide picture ID badges for some key personnel who are not full-time. These ID’s will be issued on an as needed basis at the discretion of the Department Head.

#### **1.17.3 Proper Displaying of ID Badges**

The employee should wear the City of Roswell Identification Badge while on City property or while conducting City business. This includes after-hours and weekends.

The badge must be displayed prominently on the employee with the photograph showing. This will enable other City employees to recognize each other. The ID Badge is part of the Dress Code Policy for the City of Roswell.

In certain positions, such as Parks Workers, Sanitation or Transportation workers, it may be permissible for employees to wear badges inside clothing to protect from machinery or to prevent restricted movement.

#### **1.17.4 Refusal to Show ID Badge Prohibited**

If an employee is on City property or conducting City business during business hours or after hours and they are asked for their ID, the employee must readily show their ID Badge to other City employees, security personnel or members of the public when requested to do so.

#### **1.17.5 General Policy Guidelines Regarding the Use of ID Badges**

- Under no circumstance may an employee allow someone else to wear their badge. Allowing someone else to use an employee's ID badge under any circumstances is a violation of personnel policy and could result in disciplinary action up to and including termination.
- No tampering or disfiguring of badges is allowed.
- If an employee forgets their identification badge, the employee should obtain a temporary ID badge from their supervisor.
- An employee's initial picture identification badge will be issued at no cost. Replacement badges will be charged to the employee at the current replacement cost, not less than \$5.00.
- New badges may be ordered by completing the required replacement request form, which may be found on the Intranet or may be obtained in hard copy form from the Human Resources Division.
- If an employee finds a badge, please return it to the Human Resources Division or Security at City Hall.
- An employee's ID Badge is the property of the City of Roswell.
- Employees must return their ID badge to their supervisor upon termination of employment with the City of Roswell.
- Supervisors must collect ID badges if at all possible and return to Human Resources along with the necessary separation papers. If badges cannot be retrieved, please notify Human Resources and Security immediately and note this on the payroll change notice.

#### **1.18 Hours of Work**

The City Administrator shall establish the hours of work, which insofar as practicable, shall be uniform within occupation groups, and shall be determined in accordance with the needs of the City, the reasonable needs of the public and the ability of the City to conduct business.

#### **1.19 Work Period**

The City's standard work period for compensation purposes shall be seven (7) consecutive days, commencing at 23:00 (11:00pm) Sunday through 23:00 (11:00pm) of the following Sunday. Pursuant to specific exceptions to the Fair Labor Standards Act (FLSA), alternative work periods for public safety personnel may be established with the approval of the City Administrator.

## **1.20 Attendance**

Regular attendance at work is an essential part of each employee's job. Failure to maintain adequate levels of attendance at work will result in discipline, up to and including termination of employment. Department Heads shall work in conjunction with the Human Resources Division to ensure compliance with all applicable laws, administrative regulations and policies governing attendance and absence from work.

## **1.21 Inspection of Public Records**

It is the policy of the City to comply with the Georgia Public Records Law (O.C.G.A. 50-18-70, et. seq.). Documents including, but not limited to, job classifications, pay plans, a roster of employees, and electronic records including, but not limited to, e-mail, internal communication, and personnel records are subject to public disclosure under the Open Records Act.

Requests for any records allowable under the Georgia Public Records Law will be honored within three (3) working days from the date requested, consistent with such law. A fee will be charged according to law for any and all copies made.

## **1.22 Access to Personnel Records**

A City employee may submit a written request, pursuant to the Open Records Act, to the Director of Human Resources to examine their personnel records. The Director of Human Resources shall honor such request in compliance with the requirements of the Act. Review of personnel records must be made within regular working hours in the presence of staff designated to monitor such activity. Department Heads shall have access to these personnel records provided that the confidentiality of these records is maintained.

Medical/workers' compensation records and other such personal and confidential information, not directly job related, shall be kept separately from the personnel records and shall be made available at the discretion of the City Administrator or the Director of Human Resources only upon a need-to-know basis.

## **1.23 Preservation of Records**

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

## **1.24 Bulletin Boards**

The City of Roswell has provided bulletin boards where important information about the City including changes in City policy, job vacancy announcements and items of interest will be posted. All employees are expected to review the bulletin boards routinely for promotional opportunities and other matters of interest. The City Intranet is also a recognized source of important and official information for City employees.

Bulletin Boards shall not post political advertising, sales, soliciting or any other activity, meetings or announcements unless approved by the City Administrator or his/her designee.

## **1.25 Suggestions & Ideas**

The City of Roswell encourages suggestions by employees that improve the quality and level of service provided to our citizens and within City government. While it is recognized that not all suggestions can or will be implemented and that all suggestions must pass the litmus test of “cost vs. benefit”, adoption of such improvements reflect positively on the employee and are considered to be integral to fully effective job performance.

### **1.25.1 The EARN Program Policy**

The Employees Acting on Roswell’s Needs (“EARN”) program was created to provide employees the opportunity of exploring, introducing, and being rewarded for ideas that create cost savings and/or efficiency gains for the City of Roswell. EARN encourages employees to examine current processes and to develop innovations that ultimately lead to greater performance either in terms of reduction in City expenses or reduction in time needed to perform job duties. As an incentive program, employees who submit ideas that meet all program requirements and that create measurable returns will receive compensation in return. The following policy outlines the specific details of the program.

#### **Incentive Specifications:**

1. Ideas must be implemented for at least a six-month period after formal approval from the EARN Board.
2. Annual savings must equal a minimum of \$5,000.
3. The award is 10% of the actual cost savings of one fiscal year for any cost savings measure likely to continue for two (2) or more years. A 5% award will be given for any one-time only cost savings measure. Employees in an “Introductory Period” must complete the Introductory Period before the award is made.
4. Maximum award amount is \$20,000 (before taxes) per idea. If multiple employees are involved, the reward will be split amongst the involved employees.
5. Efficiency gains (or time savings) ideas will be awarded with either special comp time or a gift card. The decision on the type of compensation and amount of compensation will be decided by the Board and shall not exceed eight (8) hours of special comp time or \$50 in gift card value.
6. Actual savings derived from an idea submitted through the EARN program (aside from the employee’s compensation) will be allocated towards the City’s employee benefits fund for a maximum of three (3) years.
7. If multiple employees submit similar ideas, the City Administrator or his/her designee has the final authority on how to determine the award. This may include the thoroughness and/or timeliness of each submission. The City Administrator or his/her designee also has the authority to split the award.

#### **Eligibility:**

All submissions must:

1. Have measurable savings; and
2. Must display innovation above the employee’s fiscal responsibility outlined in their day-to-day, normal, routine job responsibilities, subject to review by the Board.

Exclusions: Elected officials, City Administrator, Deputy City Administrator, Department Heads, Deputy (Assistant) Directors, and Chiefs.

#### Submittal and Approval Process

The EARN submittal workflow is as follows:

1. Complete an EARN submission form.
2. The form is then submitted electronically to an online system which requires a copy sent to the employee's immediate supervisor. If the employee does not have internet access the form may be sent hard copy to the Finance Director and must be copied to the employee's immediate supervisor. The Finance Director is responsible for entering the form into the database.
3. The Board shall meet monthly at a mutually agreed upon date and time to review the idea.
  - a. The Board will notify the Finance Director of the date and time of the meeting and request all cost savings projections to be completed beforehand.
4. The employee submitting the idea, or designee, will provide a brief presentation, no more than ten (10) minutes in length, to the Board and answer any follow up questions. The employee is allowed to bring additional personnel to help present the idea.
5. The Board will then continue in a closed work session.
  - a. In some cases, the Board can request an extension from the City Administrator or his/her designee for further deliberation and information gathering.
  - b. The Board will vote to approve or reject the submission. In the case of a split decision, the City Administrator or his/her designee will break the tie.
6. The employee will be notified of the Board's findings and an explanation will be provided.
7. If approved, the findings will then be presented to the City Administrator and then ultimately to the Mayor & Council for final approval.
8. Date and time of the implementation of the idea will be determined by the Board and Finance Director.
9. Savings monitoring and evaluation will be tracked by the Finance Department. Once the required duration has been met, the Finance Director will present the total savings and recommended award amount to the City Administrator for final approval. The employee will be notified of the incentive details, such as, the calculated amount and the projected date for receipt.

#### EARN Board Composition

1. Full-time employees only.
2. Employees must have been employed full-time with the City of Roswell for a minimum of three (3) years.
  - a. The Board will be comprised of one representative from each of the eight City of Roswell departments plus one alternate from each department. The eight (8) primary representatives are voting members, unless the primary is unavailable for the Board meeting. In such circumstances, the alternate will assume the primary role. Alternates are required to attend all Board meetings with the exception of valid exigencies. After one year, the primary representatives will be replaced by the alternate representatives. Prior to stepping down, the primary representatives will select a new alternate representative.

## 1.26 Inclement Weather

As a government employer, the City of Roswell provides essential services to our citizens and visitors to our city. Because the demand for these services can increase during periods of inclement weather, the business operations of the City of Roswell never truly close.

### 1.26.1 Operational Plans

Based on the severity of conditions during any period of inclement weather, the City Administrator or his designee shall implement one (1) of the following operational plans:

#### A. Standard Operational Plan for Inclement Weather

City Business Offices and Operations Open – When weather conditions are such that the City Administrator or designee determines that no modifications to the normal (or daily) operations of the city are in order, all City employees are expected to make every effort to report to work as originally scheduled. Each employee must make a personal determination of their ability to commute safely to and from work. Employees who determine they are unable to commute safely to and from work must contact their immediate supervisor to request approval of one (1) of the following options:

- Request leave to account for their absence from work due to inclement weather. When approved, employees may elect to use Paid Time Off (PTO) or accrued compensatory time to cover such absences; or
  - **Example:** *An employee's normal workday is an eight-hour day. They are not comfortable or not able to report to work that day. The employee contacts their supervisor and requests to take the day off. The employee will use eight (8) hours of PTO or comp time to receive pay for this day.*
- Request an opportunity to make up the period of missed work by working the additional hours during the same work week; or
  - **Example:** *An event happens on Monday early afternoon and City facilities stay open until normal closing time. The employee leaves two (2) hours early. The employee may request to work extra hours Tuesday through Friday to make up for the time they left early. If the work is available and the employee's position enables them to work the additional hours, the time may be approved.*
- Request approval to work from home (telecommute) during the period of inclement weather. Any request and approval of the option to telecommute is conditioned upon the existence of meaningful work to be completed from home (telecommute) and the required connectivity and/or computer support to complete the work.
  - **Example:** *An employee is not comfortable commuting to work due to pending inclement weather. The employee contacts their supervisor and requests to work from home. After verifying that the employee's position permits them to work remotely in this instance and the employee has the tools needed to work remotely, the supervisor approves the employee to telecommute for this day. The employee is expected to work their normal workday while telecommuting.*

Any employee who lacks sufficient PTO or compensatory time to cover missed work hours, and who fails to make up the missed work hours, shall be placed on Leave Without Pay for the appropriate period of hours.

## **B. Emergency Operational Plan for Inclement Weather**

City Operating on a Reduced Services Operations Model – When weather conditions are such that the City Administrator or designee determines that operations must be temporarily reduced or modified, those employees in Required Service Positions are required to report to duty as originally scheduled, or as called upon, due to the nature of the positions they hold. Employees not holding Required Service Positions may report to work if it is their personal determination that they may safely commute to and from work, contact their supervisor to request approval of leave, contact their supervisor and request to telecommute for the normal workday or make up time to account for their absence from work, subject to the same provisions articulated above.

Any employee holding a Required Service Position who fails to report for scheduled or called duty during a period of inclement weather shall be required to provide her/his Department Head a written statement, including any justification and/or documentary evidence, detailing their inability to report for duty. The Department Head will conduct a case-by-case analysis in order to determine whether the employee's absence is authorized, or whether disciplinary action is to be taken for failure to report for assigned duty. If the employee's absence is deemed to be authorized, the same provisions above regarding use of PTO, compensatory time, make up of missed hours, or Leave Without Pay shall govern their absence.

- **Example:** *A Required Service Employee is unable to report to work during an inclement weather event due to their driveway and streets out of their subdivision being blocked by large downed trees. The employee contacts their supervisor immediately upon being aware of the situation and requests to not report on this day. The employee takes photos of the trees and does not report to work due to the trees. When the employee returns to work, they provide a written statement with the photos to their Department Head. If it is determined that the employee was not able to report for Required Service, the employee may submit PTO or comp time to cover the absence on this date.*
- **Example:** *A Required Service Employee is scheduled to begin their workday at 7:00AM. They are unable to report at that time due to a large tree blocking their road. The employee immediately contacts their supervisor, explains the situation and takes photos of the tree and roadway. The road is cleared and the employee reports to work at 11:00AM. The employee submits a written statement of the situation with photos to the Department Head who determines the employee was unable to report to work and authorizes the employee to use PTO or comp time for the four (4) hours missed in the morning.*

## **C. Facility and/or Program Closures or Cancellations**

When the City Administrator determines that conditions are such that certain City facilities and/or programs must be closed or cancelled, the City Administrator may authorize the Director of Human Resources to implement Inclement Weather Pay to compensate those Full Time employees impacted by the closure or cancellation. When so authorized by the City Administrator, Inclement Weather Pay is to be used strictly as a make-whole remedy for wages lost during the hours that City facilities and/or programs are closed or cancelled during a given pay week. Inclement Weather Pay shall not be used to grant additional hours or compensation for any employee, for any reason.

Exempt and Non-Exempt employees, who requested leave or chose to leave prior to the announcement of City facilities closing, will utilize PTO, Sick, or Comp hours as they previously requested. Inclement Weather Pay will be paid for the hours an employee is scheduled in a normal workday.

**Note:** Examples below are for employees who are **not** Required Service Employees. Required Service Employees are not eligible for Inclement Weather Pay.



- **Example:** An employee scheduled and was previously approved to use eight (8) hours of PTO for Tuesday. Due to inclement weather, City facilities close at noon. The employee will use their eight (8) hours of PTO.
- **Example:** An employee decides to leave due to inclement weather at 1:00PM and use PTO and comp time to cover the rest of the day (4 hours). At 2:00PM, the City announces that facilities will close at 3:00PM. The employee will use the 4 hours as they requested beginning at 1:00PM.
- **Example:** An employee works a flex schedule (four 10-hour days, 7:00AM – 6:00PM, Monday through Thursday). Inclement weather happens on Thursday afternoon and City facilities are scheduled to close at 3:00PM. After the announcement is made, the employee requests to leave at 2:30PM. The employee will use thirty (30) minutes of PTO or comp time and receive three (3) hours of Inclement Weather Pay. City facilities are closed on Friday as well. The employee receives no Inclement Weather Pay as this was not a normal workday.
- **Example:** An employee's normal workday is 7:00AM – 4:00PM. City facilities are opening at 10:00AM. The employee reports at 10:00AM and receives three (3) hours of Inclement Weather Pay. On the same day, an employee whose normal workday is 10:00AM -7:00PM comes to work as scheduled at 10:00AM and receives no Inclement Weather Pay.
- **Example:** Due to inclement weather, City Facilities open at 11:00AM. An employee's normal workday is 7:00AM - 4:00PM. The employee works 11:00AM - 4:00PM and does not take a lunch break this day. They will receive three (3) hours of Inclement Weather Pay plus the five (5) hours they worked.
- **Example:** City Facilities are opening at 9:00AM and the employee's normal workday is 8:00AM - 5:00PM. The employee calls their supervisor and requests to not report until 10:00AM due to their commute. The employee will receive one (1) hour of Inclement Weather Pay and need to use one (1) hour of PTO or comp time or make up the missed hour in the same workweek.
- **Example:** An employee's regular schedule is 7:00AM – 4:00PM. City facilities are closing at 4:00PM. The employee works 7:00AM - 4:00PM and receives no Inclement Weather Pay. If the employee leaves prior to 4:00PM, they will need to use PTO or comp time to cover the time prior to 4:00PM.
- **Example:** The City closes facilities at 2:00PM due to inclement weather. An employee whose normal workday is 8:00AM - 5:00PM will receive 3 hours of Inclement Weather Pay, if they leave at 2:00PM. Any employee whose normal workday is 7:00AM - 4:00PM will receive 2 hours of Inclement Weather Pay, if they leave at 2:00PM. Any employee whose normal workday is 10:00AM - 7:00PM will receive 5 hours of Inclement Weather Pay, if they leave at 2:00PM.
- **Example:** Inclement weather is pending, the employee requests to telecommute for that day and is approved. The employee's normal schedule is 8:00AM - 5:00PM. City facilities close at 3:00PM. The employee is expected to continue to telecommute until 5:00PM since their work facility (generally their home) has not been impacted by the facility closings.
- **Example:** An employee's normal workday is 8:00AM - 5:00PM but City facilities close at 2:00PM due to inclement weather. The employee decides to work until 3:30PM with supervisory approval. The employee will receive pay for the hours worked and 1.5 hours of Inclement Weather Pay.
- **Example:** An employee's normal workday is 8:00AM - 5:00PM but City facilities close at 2:00PM due to inclement weather. The employee decides with supervisory approval to work until 5:30PM. The employee will receive pay for the hours worked and no Inclement Weather Pay.
- **Example:** City facilities are closed on Thursday due to inclement weather and a group of employees generally works Tuesday through Friday, ten (10) hour days. Due to the nature of the work the employees perform, the City decides to resume the services offered by extending the work week to Saturday. All employees are asked to work on Saturday. If an employee works on Saturday and earns 40 hours of work during the workweek, they will not receive Inclement Weather Pay. If an employee does not work on Saturday, they can use PTO or Comp time to cover this absence, but they will not receive IWP.
- **Example:** An employee normally works Monday through Friday, 8:00 a.m. – 5:00 p.m. There is an Inclement Weather day on Wednesday and the employee does not work this day. Due to unusual operational

*demands this week, the employee is asked to work on Saturday for four (4) hours. The employee worked 36 hours this pay week therefore they receive four (4) hours of Inclement Weather Pay.*

### **1.26.2 Designation of Required Service Positions**

Each Department Head shall identify those employees and/or positions considered “required service” during periods of inclement weather, and forward a listing of those employees and/or positions to the City Administrator for review and approval. Once approved, a master listing of Required Service Positions will be maintained in the Human Resources Division. Department Heads shall notify each employee who is assigned “required service” status and ensure their understanding of the requirements of this policy and designation.

Employees who are designated as Required Service employees and work during an inclement weather event may earn “Special Earned PTO” time. For each hour worked during an inclement weather event outside of the Required Service employees normally scheduled shift, they may earn half an hour of “Special Earned PTO” time up to a maximum of eight (8) hours per inclement weather incident. The amount of “Special Earned PTO” hours may change with recommendation from the Director of Human Resources and approval from the City Administrator based on a particular inclement weather incident. Special Earned PTO time may be used during absences from work such as vacation but is not paid out when an employee leaves employment with the City.

- **Example:** *A Required Service employee is normally scheduled to work 8:00AM-5:00PM. The City closes facilities at 2:00PM and the employee works until 8:00PM as required by their position. The employee will be paid for the hours they worked and receive one and a half (1.5) hours of Special Earned PTO time. (5:00PM – 8:00PM is three (3) hours and half of three (3) is one and a half (1.5))*
- **Example:** *A Required Service employee is required to report to work when City facilities are closed for the entire day. The employee normally is scheduled to work 7:00AM – 4:00PM but the employee does not finish their shift until 8:00PM. The employee is paid for the hours worked plus earns two (2) hours of Special Earned PTO time.*
- **Example:** *A Required Service employees is normally scheduled Monday – Friday from 8:00AM – 5:00PM. An inclement weather event happens and they are required to work 8:00AM – 8:00PM on Sunday. The employee will be paid the hours that they worked and earn six (6) hours of Special Earned PTO time.*
- **Example:** *A Required Service employee is normally scheduled from 8:00AM – 5:00PM. City facilities are delayed to open until 10:00AM but the employee is required to report at 8:00AM and works until 5:00PM. They are paid for the hours that they worked this day with no Special Earned PTO time.*

### **1.26.3 Notification of Employees**

When weather conditions are such that the City Administrator or designee must make a determination of any kind regarding City business operations during a period of inclement weather, this official determination shall be disseminated to employees through the City of Roswell intranet, the City of Roswell Facebook page, and through Nixle Alerts. Employees may also tune in to local television and radio news outlets for information, but the above sources are considered the official means of communications for this type of alert. In all cases, it is the employee’s individual and personal responsibility to become aware of the official notification and/or clarify their obligation to report to duty with their immediate supervisor.

## 1.27 Emergency Pay

In situations where inclement weather pay and on-call status are not a factor, the City Administrator or his/her designee may deem a situation an emergency and may authorize emergency compensation for the non-exempt employees working during the emergency situation.

Emergency pay is determined on a case-by-case basis and at the discretion of the City Administrator or his/her designee. Emergency Pay may be awarded to those employees who are not scheduled to work at a time when an emergency arises and are either called back to work or are required to extend their work day to handle the emergency situation.

## 1.28 Contagious Symptoms and Contagious Conditions Policy

The City of Roswell strives to provide a safe and healthy workplace for all employees. This policy outlines our overall response to a pandemic flu outbreak or similar illness.

This policy outlines specific steps the City takes to safeguard employees' health and well-being during a flu pandemic, or similar illness, while ensuring the City's ability to maintain essential operations and continue providing essential services to our citizens. In addition, it provides guidance on how we intend to respond to specific operational and human resource issues in the event of a pandemic.

### 1.28.1 Contagious Symptoms and Contagious Condition

Sick employees who report to work with Contagious Symptoms and/or a Contagious Condition, as those terms are defined in this Section, may significantly impact City operations due to the potential for spreading sickness, diminished productivity, and lack of quality or attention to safety. Employees must consider options and practices that will reduce the risk of contracting a contagious condition or passing on a contagious condition by observing healthy practices such as: receiving flu vaccinations, covering their noses or mouths when coughing or sneezing, washing or sanitizing their hands, using sanitizers on common work areas, and other health practices that are designed to reduce infection and the spread of disease. Employees should also refrain from reporting to work with Contagious Symptoms and/or a Contagious Condition, so as not to spread a condition or disease.

In the interest of maintaining a safe and healthy workplace, the City may require persons with Contagious Symptoms and/or a Contagious Condition not to report to work and/or may send employees with Contagious Symptoms and/or a Contagious Condition home.

#### A. Contagious Symptoms and/or Condition

For purposes of this Section, Contagious Symptoms and/or a Contagious Condition exist when:

- (1) An employee exhibits influenza-related symptoms (e.g., fever, vomiting, diarrhea, headache, cough, sore throat, runny or stuffy nose, muscle aches) or other symptoms, described by a public health organization as indicative of other contagion, such as Coronavirus, SARS, swine flu, H1N1, etc.; and/or
- (2) An employee is diagnosed with an infectious/contagious condition (e.g., influenza, strep throat, tuberculosis, bacterial meningitis, mononucleosis, mumps, measles, rubella, chicken pox, etc.); or
- (3) An employee and/or family member/household member has recently traveled or

plans to travel to a geographic area or has been subjected to a confined area, such as cruise ship or airplane, actively identified by a recognized health organization to present a high degree of contagion health risk or an area for which the Centers for Disease Control and Prevention (CDC) has issued a Level 2 or 3 travel health notice.

B. Workplace Requirements

The City and its employees bear responsibility for a safe and productive workplace environment. Accordingly, an employee with Contagious Symptoms and/or a Contagious Condition:

- (1) Will not report to the workplace so as not to infect other employees or members of the public.
- (2) Will not report to the workplace until his/her symptoms have subsided. A health care provider's statement that an employee may return to work may be required during epidemics, pandemics, or similar situations during which enhanced precautions are warranted.
- (3) Will not report to the workplace after returning from, or after a family/household member has returned from, a geographic area or confined area recently identified by a recognized health organization to present a high degree of contagion health risk or an area for which the CDC has issued a Level 2 or 3 travel health notice. In such case, the employee cannot return to the workplace until completion of the incubation period as identified by a public health organization unless such public health organization outlines other criteria which may permit the employee to return prior to this time. . (Such statement must be submitted to Human Resources for approval as provided in subsection (d), below, in advance of returning to the workplace.)
- (4) May be sent home, with or without the opportunity to work from home, based on observations of symptoms of a Contagious Condition.

D. Absence Due to Contagious Symptoms or Conditions

An employee who has been sent home by the City and/or has not reported to work due to Contagious Symptoms and/or a Contagious Condition, or who has been quarantined, will be required to use accrued Sick Leave or Paid Time Off. If accrued paid leave is unavailable or exhausted, the employee will be recorded as absent with approved unpaid leave. In the event that an employee's absence pursuant to an approved unpaid leave extends beyond five (5) days the City may request that the employee provide a doctor's certification as to the employee's current condition. Ultimately, any prolonged absences will be addressed in compliance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

The City may approve an employee to work from home while recuperating. Such approval is dependent upon consideration of several factors, including the employee's position, the severity of the illness, the availability of equipment and supplies, and other safety and logistical considerations.

Any employee subject to absence due to Contagious Symptoms or a Contagious Condition must contact Human Resources to determine if the employee and medical condition qualifies for Family Medical Leave. In such case, the policy covering Family Medical Leave Act shall apply.

E. Return to Work from Contagious Symptoms or Contagious Condition

A health care provider's statement that the Contagious Symptom or Contagious Condition that the employee experienced has been cleared and the employee may return to work during epidemics, pandemics, or similar situations during which enhanced precautions are warranted. The written statement must be submitted *electronically* to Human Resources, which shall review and must approve the release *before* the employee may return to work. An employee failing to provide a written return to work authorization prior to reporting to work will be immediately sent home and may be subject to disciplinary action for failure to comply with this requirement.

If clear guidelines have been established of when an employee may return to work following a diagnosis by a healthcare provider have been established by a public health organization, these guidelines may be followed in lieu of a return to work notice from a healthcare provider. A healthcare provider's notification of a positive or negative test result may be required to return to work during an epidemic, pandemic or similar situation.

F. Compliance

Due to the seriousness of the ramifications of non-compliance, any violation of the policy as set forth will subject the employee to disciplinary action, up to and including, termination.

This Section will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

G. Scope of Policy

This policy applies to all employees, volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid.

## Chapter 2 - Ethics and Conduct

### 2.0 Workplace Violence

**The City is committed to preventing workplace violence and to maintaining a safe work environment.**

Violence, or the threat of violence, has no place in any of the City of Roswell's work locations. The City of Roswell will not tolerate violent behavior or the threat of violent behavior. It is the shared obligation of all employees and management staff to individually and jointly act to prevent or defuse actual or implied violent behavior at work.

Violence, or the threat of violence, by or against any employee of the City of Roswell or any other personnel is unacceptable and contrary to City policy, and shall subject the perpetrator to serious disciplinary action up to and including termination and possible criminal charges. The City will work with law enforcement to aid in the prosecution of anyone who commits violent acts against City employees or City facilities.

Conduct by any City employee that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment. All threats of (or actual) violence shall be reported as soon as possible to a supervisor or any other member of management and the Director of Human Resources. This includes threats by employees as well as threats by customers, vendors, solicitors, or other members of the public.

An employee who is threatened with or subjected to assault, battery, threats, or who becomes aware of such acts against fellow employees shall report such actions to a supervisor or any other member of management immediately. Department Heads must report any such information immediately to the Director of Human Resources.

No employee acting in good faith, who reports real or implied violent behavior will be subject to disciplinary action based upon their report.

### 2.1 Possession of Weapons

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

- Employees whose positions require them to carry a firearm to perform their specific duties
- Fire employees assigned to Fire Stations as long as they store their weapons in lockers in accordance with the Roswell Fire Department Standard Operating Procedures.

## 2.2 Harassment

Harassment based on sex, race, color, national origin, ethnicity, religion, age, military status, genetic information, disability, sexual orientation or gender identity, to include transgender status, is an offense first against the City, and an offense against any specific employee or group of employees. Offenses refer to physical or verbal actions that have the purpose or effect of creating a hostile, offensive or intimidating working environment, and/or are based on a person's or a group's sex, race, ethnicity, religion, age, or disability. Examples would include, but are not limited to, physical conduct of a sexual nature, sexual, racial, ethnic, religious, age, or disability based jokes, comments, insults, cartoons, innuendoes, or personal conduct or mannerisms that could be construed as offensive. All personnel who violate this policy will be subject to disciplinary procedures up to and including termination. It is each employee's responsibility to help eliminate all forms of prohibited harassment and unwanted conduct. It shall be every supervisor's responsibility to prevent such behavior from occurring within his work jurisdiction.

When incidents of harassment occur, they shall be reported immediately to the Director of Human Resources or to any supervisor of the employee's own choosing. **Department Heads and Supervisors are responsible for immediately reporting all harassment incidents to the Director of Human Resources.**

Any employee making a report of prohibited harassment or unwanted conduct will be protected from retaliation from any source, and any employee who engages in retaliation will be terminated.

The City of Roswell Unlawful Harassment Prevention Policy is presented in its entirety in Chapter 15.

## 2.3 Workplace Civility Policy

It is the policy of the City of Roswell that all employees, agents of the City, and visitors to City facilities and functions shall interact with one another in a polite, tactful and courteous manner, and that professional disagreements be resolved in a civil manner. The City of Roswell fully expects our citizens and visitors to City functions to be treated with the utmost in courtesy and respect by City personnel. In turn, we expect that employees and agents of the City will be treated respectfully by those they interact with in the course of their duties. Demeaning, intimidating, threatening, or bullying behaviors are specifically prohibited by any employee or visitor to City facilities or City functions. When such behavior is exhibited by an employee or agent of the City, the appropriate member of management or supervision must be notified promptly so that corrective action can be taken. When such behavior is exhibited by a member of the public, the responsible member of management or supervision shall intervene on the employee's behalf, and may involve security or law enforcement personnel as necessary and appropriate.

## 2.4 Drug Free Workplace

It is the policy of the City to maintain a drug and alcohol free workplace. The unlawful manufacture, distribution, dispensation, possession, use of, appearance at work while under the influence of controlled substances or alcohol to any degree whatsoever, on the City's premises and/or in the City's vehicles, while on duty or in uniform, is strictly prohibited. Employees are to comply at all times with the City's Drug and Alcohol Free Workplace Policy and Standards of Conduct. Acceptance of the terms and conditions of the Drug and Alcohol Free Workplace Policy is a condition of employment

for the City. The City's Drug and Alcohol Free Workplace Policy is presented in its entirety in Chapter 17.

## **2.5 Use of City's Electronic Communications System**

It is the policy of the City that all electronic communication systems at the workplace including the telephone communication system, the computer system, the internet and the intranet are to be used primarily for business purposes related to the employee's employment with the City. The City's electronic communications system is the property of the City and employees have no expectation of privacy when using any part of this system. Employee use of the City's electronic communications system is subject to periodic monitoring and inspection without notice.

Employees are to comply at all times with the City's Information Technology Acceptable Use Policy. Acceptance of the terms and conditions of the Information Technology Acceptable Use Policy is a condition of employment for the City. The City's Information Technology Acceptable Use Policy is presented in its entirety in Chapter 14.

## **2.6 Use of City Vehicles, Equipment and Supplies**

The City's vehicles, equipment and supplies shall be used only for official City business and not for personal purposes. Disciplinary action may be taken against an employee who abuses, misuses or misappropriates City vehicles, equipment and/or supplies. Employees shall have no expectation of privacy in the use of City vehicles, equipment and supplies, and their use is subject to inspection and monitoring for compliance, specifically including the use of GPS tracking and other technological advances. Employees are to comply with the City's Vehicle Policy which is presented in its entirety in Chapter 19.

## **2.7 Outside Secondary Employment**

Full Time employment with the City shall have precedence over other occupational interests of employees. No employee may engage in any outside employment for wages or commissions, or self-employment, without obtaining prior written approval from the Department Head and City Administrator or his/her designee. This includes employment in an outside security or related position. Requests for permission to obtain outside employment should include the nature and scope of work, place of employment and hours of employment. Failure to obtain prior approval may be grounds for disciplinary action up to and including termination.

This policy applies to all Full Time City employees. Departments may request Part Time employees to complete an Outside Secondary Employment form to ensure their job duties at the City of Roswell and their other employment do not present a conflict. Conflicting outside employment shall be grounds for termination. City employees must adhere to the following terms concerning outside employment:

- Such employment shall not interfere with the efficient performance of the employee's duties;
- Outside employment shall not present a conflict of interest;



- Outside employment shall not involve the performance of duties which the employee should perform as a part of their employment with the City of Roswell;
- Outside employment shall not occur during the employee's regular or assigned working hours unless the employee is on Paid Time Off (PTO), compensatory leave or authorized leave without pay;
- Approval of outside secondary employment is granted for the calendar year in which it is requested, and each such request must be submitted at the beginning of each following calendar year for reconsideration if the employment is to continue; and
- Any approval of outside secondary employment may be revoked at any time by the City Administrator or his/her designee.

## 2.8 Conflict of Interest

Conflict of interest is a real or seeming incompatibility between one's private interests and one's public or fiduciary duties. It is particularly important that the employees of the City of Roswell refrain from unfavorable relationships that may be construed as evidence of favoritism, coercion, unfair advantage or collusion. Whenever an employee is faced with a situation which, in that employee's mind is questionable or problematical with regard to posing a conflict of interest, that employee is encouraged to discuss this matter with his Department Head, who will, in turn refer the matter to the Director of Human Resources. The City Administrator will make a final determination of all matters of conflict of interest.

The Code of Georgia, 45-10-3 states that public officers and employees will:

- Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
- Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties;
- Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit;
- Expose corruption wherever discovered;
- Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
- Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties;
- Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and

- Never take any official action with regard to any matter under circumstances in which he knows or should know that he has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

## **2.9 Disclosure of Confidential Information**

City employees shall not disclose information protected from disclosure pursuant to federal, state or local law concerning property, government, personnel or affairs of the City without prior approval of the City Administrator or his/her designee. No official or employee may use such information to advance the financial or other private interests of anyone under any circumstances.

An employee may not directly or indirectly make use of confidential information acquired by virtue of employment with the City of Roswell in any manner except in the performance of his official duties. An employee may not provide or permit others to use confidential information.

Managers should protect confidential information obtained either directly from an employee or through the course of business regarding employees. While there are times when information regarding an employee should be shared with Department Heads or the Human Resources Division, the manager should be careful to ensure that the information is being shared as it is a legitimate business need to have this information disclosed. Managers or Department Heads who are unsure about what information should be disclosed are encouraged to seek guidance from the Human Resources Division. Information regarding personnel matters or medical matters should not be shared with other employees or managers.

## **2.10 Political Activities**

No employee of the City shall be a candidate for or serve as an elected official in the City of Roswell during their employment with the City. In keeping with the City's conflict of interest policy, the City of Roswell reserves the right to review all requests by employees to seek elected offices in other jurisdictions that may conflict with the employee's duties with the City of Roswell.

Employees of the City of Roswell are encouraged to exercise their right to vote; but no employee shall make use of City time or equipment to aid a political candidate, political party or political cause. Employees shall not use a City position to persuade, coerce or intimidate any person in the interest of a political candidate, party or cause.

Nothing contained in these policies shall be construed to restrict employees to hold membership in support of a political party, to vote as they choose, to express personal opinions on all political subjects and candidates, maintain political neutrality, or to attend political meetings during non-working hours.

City employees shall not engage in any political campaign activities while on duty, while in the workplace, while in uniform, while wearing a City identification badge, or while using a City vehicle. This prohibited activity includes, but is not limited to, distributing information or soliciting contributions or services for any political party, political candidate, or organization while on duty.

Also included in prohibited activities while on duty, while in the workplace, while in uniform, while wearing a City identification badge, or while using a City vehicle, is the public endorsement of a

candidate such as making a public campaign speech or statement to the news media endorsing a candidate. Additionally, employees may not use City funds, supplies or equipment for such purposes.

## **2.11 Acceptance of Gifts and Favors/Business Ethics**

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

City employees should not accept any gifts (monetary or otherwise, such as a service, loan, item or promise), gratuities, or favors from anyone other than the City for the performance of acts within the regular course of official duties. Employees should refuse any gifts or favors which reasonably may be interpreted to be offered in order to influence a municipal decision. Compensation for performing an employee's public duty is limited to salaries, fringe benefits and any personal satisfaction that they may derive from doing a good job. While employees are the first to decide whether to accept any gift, they must recognize that others will decide if there is "the appearance of favoritism" for accepting a gift. To this end, any City employee may be required at any time, for any reason or no reason at all, to provide a written account of any and all "gifts, gratuities or favors" received from others in connection with their employment with the City. Any such gift, gratuity or favor that would cause the individual employee anguish to disclose, or cause discredit or disrepute to fall upon the City if disclosed, must be refused, period. In no instance should any employee accept a gift, gratuity or favor having a real or potential value in excess of \$25.00.

Employees may not conduct or promote private business for gain during on-duty work hours and at no time on City premises. Employees with outside business interests should make arrangements to receive and send messages for such business interests during non-work hours. Employees shall utilize the City's electronic communications system only in accordance with the City's stated policies.

Employees who may be in a position to influence actions and decisions regarding City administration shall refrain from relationships which may adversely affect the exercise of their independent judgment dealing with business, organizations and individuals conducting business with the City. For more information concerning these subjects, please refer to Code of Georgia, 16-10-2.

## **2.12 Solicitation**

While on City premises, employees shall not solicit, either orally or otherwise, other City employees or members of the public in an effort to promote private business for gain. While on City premises, City employees are likewise prohibited from soliciting other City employees or members of the public to purchase from or donate to any outside organizations including but not limited to, schools, churches, charitable organizations and youth recreational programs unless such programs are approved by the City Administrator. Use of the City's electronic communications system for such solicitation purposes is also prohibited unless authorized by the City Administrator or his/her designee.

## **2.13 Participation in Public Auctions**

The City Administrator, Deputy City Administrator, City Attorney, Assistant City Attorney, Department Heads, Division Heads and members of the Finance Department will not be permitted to purchase surplus items from the City of Roswell, including those items offered in a public auction. In addition, all staff members of the Fleet Services Division shall not be permitted to purchase surplus City vehicles included in a public auction.

This policy also applies to items purchased at public auctions, then offered for sale to the above referenced City employees.

## **2.14 City of Roswell Property**

City of Roswell employees shall have no expectation of privacy with respect to City property such as desks, filing cabinets, lockers, computers, vehicles, electronic communication systems, etc. City property may be subject to searches when deemed necessary by the City Administrator or his/her designee.

The City shall, under its own authority, have the right to conduct reasonable searches of City property. An employee's refusal to cooperate with the search efforts may result in disciplinary action up to and including immediate termination. If a Department Head feels a search may be necessary, he should contact and secure the approval of the Director of Human Resources. The Director of Human Resources will promptly inform the City Administrator or his/her designee.

## **2.15 Garnishments**

An employee's creditors may garnish their pay for an unpaid debt. The City is required by law to honor legal garnishments. Responding to garnishment is time-consuming and costly to the City. The City expects employees to handle their personal financial affairs with a sense of responsibility that does not require City involvement. Supervisors are encouraged to refer employees with financial issues to the Employee Assistance Program for guidance and help in such matters.

The City reserves all rights granted to it by federal and state law, including, but not limited to, the right to pursue its actual reasonable expenses for answering such a garnishment.

An employee with more than one (1) garnishment may be subject to discipline, up to and including termination.

## **2.16 Tobacco Use**

### **2.16.1 Scope**

The City of Roswell is committed to promoting and maintaining a healthy work environment that is as close to tobacco free as practicably possible and in accordance with all federal, state and local laws. As a public employer, laws dictate that the City must take steps to prevent or minimize the exposure of secondhand smoke (**ETS – Environmental Tobacco Smoke**) in the workplace.

### **2.16.2 Purpose**

The purpose of the Tobacco Use Policy is to encourage employees, volunteers, visitors to City facilities, and those performing community service for the City to maintain a lifestyle that promotes the health and wellbeing of themselves and their co-workers. Further, this policy shall promote the safe operation of our vehicles and equipment.

### **2.16.3 Policy Guidelines**

This policy covers and includes all workplace facilities, all City owned vehicles and all City owned equipment. It shall also apply to and include all forms of smoke, smokeless tobacco products (pipe, cigar, cigarette, dip, snuff, etc), e-cigarettes and vape pens. Further, this policy shall apply to products that are not tobacco but consumed or used in the same manner as tobacco products.

The use of tobacco products or tobacco like products is prohibited in all City buildings and facilities, whether owned or leased. This prohibition applies to any area enclosed by the perimeter walls of the building, including restrooms, warehouses, storage spaces, atriums, balconies, stairwells and other similar building features considered “within a building.”

The use of tobacco products is prohibited within 25 feet of any building entrance, air intake duct and window. Department Heads shall immediately designate specific areas outside of each City facility as “Approved Tobacco Use Areas” except City Hall where the “Approved Tobacco Use Areas” will be designated by the City Administrator or his/her designee. These designated areas should be identified and posted. A complete listing of “Approved Tobacco Use Areas” is available on the City’s Intranet or in hard copy form from the Human Resources Division. Tobacco use is not permitted at the front entrance to any facility.

Individuals who use tobacco products will be responsible for their proper disposal. Disposal containers will be provided at each approved tobacco use area.

Tobacco use of any kind is not permitted inside or on any City owned vehicle. This prohibition includes all take home vehicles.

Tobacco use of any kind is not permitted when employees are using tools or equipment owned by the city while performing the duties or tasks of an assignment. Tools and equipment shall include open and closed cab off-road vehicles, forklifts, lawn mower, etc.

The use of tobacco products is prohibited in outdoor areas including parking lots where the public has access, except those spaces specifically designated as “approved tobacco use areas.”

The City will provide educational information on programs relating to tobacco use cessation to any employee interested in such programs. Please contact the Human Resources Division for more information.

Adherence to this policy is mandatory. Violations of this policy will result in disciplinary action up to and including termination.

## **2.17 Professional Appearance**

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Employees of the City of Roswell will maintain a favorable image for the City of Roswell. The Department Head will address situations in which inappropriate attire is worn or personal hygiene is not acceptable. Employees who are improperly attired or do not meet acceptable hygiene standards may be required to leave work. Employees will not be compensated for the time they are away from work to rectify these situations. Safety sensitive positions may have more stringent requirements with respect to appropriate dress and the wearing of certain types of jewelry.

Department Heads may determine more restrictive standards for those in safety sensitive positions requiring such standards to ensure the safety of the employee and to enhance the values and image of the City.

The values of the City of Roswell include delivering quality service, being worthy of trust, and demonstrating mutual respect. Employees' appearances can impact citizens' and visitors' perceptions of the City relative to those values. Therefore, this policy has been developed to promote those values and enhance the image of the City, while allowing appropriate casual dress.

This policy establishes "business casual" attire as the foundation of the City's professional dress policy. In other words, on normal business days, employees are allowed to wear "business casual" attire. As required by a specific assignment or by job duties, employees will dress more formally, wearing "business attire" clothing.

Different styles will be necessary depending on the change of seasons, degree of customer contact, the nature of the work performed, work location, and safety issues. This policy provides general guidelines for departments and addresses appropriate and inappropriate apparel in the categories of "business casual" and "business attire." Occupations within the City structure that require or encourage uniforms shall recognize the uniform as appropriate dress for that job, even if the "appropriate uniform" (e.g., shorts) is not appropriate for "non-uniformed" employees. In addition, a limited number of positions/job categories may justify deviation from the general principles established in this policy; for example, outdoor crew workers may be allowed to wear denim/jeans as part of their "uniform" while other classes of employees may not.

"Special occasion" days may be declared by the City Administrator or, in some cases, by the Department Head. Such days may include: City sponsored special events, or other charitable fundraising activities, Spring cleaning days (allowing more casual attire to allow for packing and moving boxes, for example), or other special events. On such days, the City Administrator or the Department Head will specify the appropriate dress guidelines to follow. Such special occasion days should be occasional/incidental, and not the norm.

Employees are permitted to wear jeans or capris with appropriate business casual tops on Fridays. The jeans/capris must fit properly, not have any holes or fraying and must still be appropriate workplace attire. There may be occasions where a meeting or event is scheduled on Friday and business casual is not the appropriate dress. Employees are expected to dress appropriately for events scheduled on that particular day. If employees wear jeans/ capris on Fridays, they are permitted to wear clean athletic shoes (no stains, holes, etc.)

Unusual circumstances, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or non-normal working hours and situations, may be sufficient reasons to

grant exceptions to the dress guidelines. Department Heads will establish which of the guidelines below are applicable to their departments, as well as any exceptions, depending on the assignments and working environments.

**Examples of Appropriate Attire for Non-Uniformed Departments/Divisions**

	<b>Business Casual</b>	<b>Business Attire</b>
<b>WHAT</b>	Business casual provides employees with an opportunity to dress less formally, while maintaining a professional appearance.	Business attire is the more traditional, professional appearance one might normally attribute to the professional business environment.
<b>WHEN</b>	Business casual attire is appropriate on days when an employee’s duties do not necessitate a more formal appearance.	Business attire is appropriate, as needed, to present a more formal or professional appearance for meetings, special events, appearances before City Council or other instances when an employee is representing the City to outside parties or entities.
<b>APPROPRIATE EXAMPLES</b>	<p>Everything listed for business attire, plus the following:</p> <ul style="list-style-type: none"> <li>• Slacks (Twill, Khaki, and the like; not denim/jeans)</li> <li>• Blazer/Jacket</li> <li>• Sweaters/Cardigans</li> <li>• Knit golf shirts, polo shirts, or City logo shirts</li> <li>• Sport shirts with collars, either short-sleeved or long-sleeved</li> <li>• Vests, with appropriate shirt</li> <li>• Skirts</li> <li>• Footwear appropriate to the above; not athletic shoes (except on Friday as events permit)</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional suit and shirt;</li> <li>• Ties</li> <li>• Slacks with blazer/jacket and shirt</li> <li>• Business dresses, coats, jackets</li> <li>• Pant suits</li> <li>• Skirts and Blouses</li> <li>• Footwear appropriate to the above; not athletic shoes</li> </ul>
<b>INAPPROPRIATE EXAMPLES REGARDLESS OF ACTIVITIES</b>	<ul style="list-style-type: none"> <li>• Shirts with slogans or large emblems</li> <li>• Sweat suits (pants or shirt)</li> <li>• Wind suits</li> <li>• Yoga pants or leggings</li> <li>• Denim of any color (except on Fridays as events permit)</li> <li>• Shorts</li> <li>• Short skirts (more than 3” above the knee)</li> <li>• Capri pants (except on Fridays as events permit)</li> </ul>	<ul style="list-style-type: none"> <li>• Leggings</li> <li>• Shorts</li> <li>• Untucked shirttails</li> <li>• T-shirts</li> <li>• Tank tops</li> <li>• Short skirts or revealing skirts</li> <li>• Inappropriate footwear</li> <li>• Halter tops</li> <li>• T-shirts</li> <li>• Clothing with inappropriate advertising (specifically including tobacco products, alcoholic</li> </ul>

	<ul style="list-style-type: none"> <li>• Flip flops of any kind</li> <li>• Sun dresses</li> <li>• Overalls</li> <li>• Skorts</li> <li>• Provocative or revealing attire</li> <li>• Clothes that don't fit properly (Too tight, too baggy)</li> </ul>	<ul style="list-style-type: none"> <li>beverages, or anything else that fails to project a positive image)</li> <li>• Clothing not properly laundered, or in a state of disrepair (dirty, pants or shirts with rips, tears or holes in them)</li> </ul>
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## 2.18 Safety Rules and Hazard Communication

The City makes every reasonable effort to provide and maintain safe working conditions. Employees are expected to cooperate by working in a safe manner and encouraging others to work in a safe manner to prevent accidents. Employees have an obligation to report immediately any unsafe conditions that might result in an accident or safety hazard. All such reports should be given to the employee's supervisor who in turn will notify the Director of Human Resources.

## 2.19 Social Media Policy

The Social Media Policy establishes guidelines for the establishment and use by the City of Roswell of social media sites as a means of conveying information to members of the public. The intended purpose of the City's social media sites is to disseminate information from the City about the City's mission, meetings, activities, and current issues to members of the public. The City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the City and its officials.

### 2.19.1 Definitions

- **“Social media sites”** – means content created by individuals, using accessible, expandable, and upgradeable publishing technologies, through and on the internet. Examples of social media include but are not limited to: Facebook, Twitter, Blogs, RSS, YouTube, Snap Chat, LinkedIn, and Flickr.
- **“City social media sites”** – means social media sites which the City established and maintains, and over which, it has control of all postings, except for advertisements or hyperlinks by the social media site's owners, vendors, or partners. City social media sites shall supplement, and not replace, the City's' required notices and standard methods of communication.
- **“Posts” or “Postings”** – means information articles, pictures, videos, or any other form of communication posted on a City social media site.

### 2.19.2 General Policy Provisions Regarding Posting on Official Social Media Sites

- The City's official website at [www.roswellgov.com](http://www.roswellgov.com) (or any domain owned by the City) will remain the City's primary means of internet communication.
- The establishment of City social media sites is subject to approval by the Community Relations Manager or his designee. Upon approval, City social media sites shall bear the name and/or official logo of the City.
- City social media sites shall clearly state that such sites are maintained by the City and that the sites comply with the City's Social Media Policy.



- City social media sites shall link back to the City’s official website for forms, documents, online services, and other information necessary to conduct business with the City.
- The City’s Community Relations Division staff shall monitor content on City social media sites to ensure adherence to both the City’s Social Media Policy and the interests and goals of the City. Community Relations Division staff reserves the right to edit or remove posts.
- The Community Relations Manager may terminate any City social media site at any time without notice.
- City social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.
- All City social media sites shall adhere to applicable, federal, state and local laws, regulations and policies, including the Georgia Open Records Act.
- City social media sites are subject to the Georgia Public Information Laws. Any content maintained on a City social media site that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure.
- The Community Relations Manager or designee shall approve and designate select employees as administrators and editors for assistance in managing social media sites. The City’s official social media sites are property of the City and not an individual employee. Should an employee’s employment terminate with the City for any reason, the City retains ownership rights to any and all social media sites the employee maintained on behalf of the City during their employment.
- Employee representing the City on City social media sites shall conduct themselves at all time as a professional representative of the City and in accordance with all City policies.
- All City social media sites shall utilize authorized City contact information for account set-up, monitoring and access. The use of personal email accounts or phone numbers by any City employee is not allowed for the purpose of setting-up, monitoring, or accessing a City social media site outside of Facebook or other social media sites that require the employee to use personal contact information to set up the city account.
- The Community Relations Division will not manage or administer elected officials’ social media accounts.

### **2.19.3 Content Guidelines on Official City Social Media Sites**

- The content of City social media sites shall only pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks.
- Content posted to the City’s social media sites must contain hyperlinks directing users back to the City’s official website for in-depth information, forms, documents or online services necessary to conduct business with the City of Roswell, whenever possible.
- The City shall have full permission or rights to any content posted by the City, including photographs and videos. Employees posting on the City’s official social media sites are expected to adhere to copyright laws in order to not infringe on the rights of any copyright holder.
- Any employee authorized to post items on any of the City’s social media sites shall review, be familiar with, and comply with the social media site’s use policies and terms and conditions.
- Any employee authorized to post items on any of the City’s social media sites shall not express his or her own personal views or concerns through such postings. Instead, postings on any of

the City's social media sites by an authorized City employee shall only reflect the views of the City.

- Postings must contain information that is freely available to the public and not be confidential as defined by any City policy or state or federal law.
- Postings may NOT contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
- Postings to City social media sites shall NOT contain any of the following:
  - Comments that are not topically related to the particular posting being commented upon;
  - Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
  - Profane language or content;
  - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
  - Sexual content or links to sexual content;
  - Solicitations of commerce;
  - Conduct or encouragement of illegal activity;
  - Information that may tend to compromise the safety or security of the public or public systems; or
  - Content that violates a legal ownership interest of any other party.
- These guidelines shall be displayed to users or made available by hyperlink on all City social media sites. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster, when available.
- The City reserves the right to implement or remove any functionality of its social media site, when deemed appropriate by the Community Relations Manager or his/her designee. This includes, but is not limited to, information, articles, pictures, videos or any other form of communication that is posted on a City social media site.
- Except as expressly provided in this Policy, accessing any social media site shall comply with all applicable City policies pertaining to communications and the use of the internet by employees, including email content.
- All of the content on City social media sites must be provided to the City's Community Relations Manager or his/her designee for review, approval and subsequent posting to the social media site.

#### **2.19.4 Employee Personal Social Media Use**

It is essential for every employee of the City of Roswell to recognize that the proper functioning of any government agency relies upon the public's confidence and trust in the individual employees and the City of Roswell to carry out the public function. Therefore, any matter which brings individual employees or the City of Roswell into disrepute has the corresponding effect of reducing public confidence and trust in the City, thus, impeding the ability to work with and serve the public.

Professionalism is the most significant factor in high level performance which in turn builds public confidence and trust. Employees have the right to use personal/social networking pages or sites; however, as public employees of the City of Roswell, they are held to a higher standard than the general public with regard to standards of conduct and ethics.

The policy of the City of Roswell is to maintain a level of professionalism in both on-duty and off-duty conduct that fulfills the mission of the City. Any publication, through any medium which is potentially adverse to the operation, reputation or efficiency of the City of Roswell will be deemed a violation of this policy. When considering if an employee's social media post is potentially adverse to the City, the City will consider the following factors (but not at the exclusion of other factors):

- Is the speech made pursuant to the employee's official duties;
- Is the speech is a matter of public concern;
- Is the City's interests, as an employer, in promoting the efficiency of the public service it renders sufficient to outweigh the employee's speech interests;
- Is the speech a motivating factor in an adverse employment action; and
- Would the City have reached the same employment decision based on the absence of the speech.

The Internet, blogs, Twitter, social networking sites and any other medium of electronic communication will not be used in a manner which is detrimental to the mission and function of the City of Roswell.

The following is a list of the types of communication medium this policy is addressing. The list provides examples but is not limited to:

- Social networking sites such as: Facebook, My Space, MyLOL, BlackPlanet, Four Square
- Business networking sites such as: LinkedIn, Ecademy, Fast Pitch, Plaxo
- Blogs (Web Logs and Microblogs) such as: Blogger, LiveJournal, Open Diary, Twitter
- Photo sharing sites such as: Flickr, Fotolog, DailyBooth, Instagram, Snapchat, etc.
- Video sharing sites such as You Tube
- E-mail discussion lists (available through many e-mail providers)
- Newsgroups (available through many e-mail providers)

Employees of the City of Roswell are prohibited from posting, or in any other way broadcasting, the business of the City of Roswell. This does not include employees that are authorized to post on the City's official communication sites. These include but not limited to:

- Photographs/images relating to any official business of the City of Roswell.
- Video or audio files related to any official business of the City of Roswell.
- Photographs/images of participants in City events on personal social media sites without express permission to post the images from the participant and the City.
- Video, audio, photographs, or any other images, etc., which memorialize an official action of the City of Roswell.
- Logos/uniforms/badges or other items which are symbols associated with the City of Roswell.
- Any other item or material which is identifiable to the City of Roswell.

All comments on City of Roswell official social media sites, including department sites, are managed by the City's Community Relations Division. Employees should not comment or post on the City's official social media pages on behalf of the City.

Employees of the City of Roswell who utilize personal social networking sites, blogs, Twitter or other mediums of electronic communication in their off-duty time will maintain a separation of

personal and professional activities so as not to broadcast in a manner which is detrimental to the mission and function of the City of Roswell.

Employees will not use a social networking site or other medium of Internet communication to publicly criticize the City of Roswell's policies, operations, or staff in a defamatory, obscene, unlawful, or untruthful manner. Criticism that tends to impair the operation of the City of Roswell by reducing organizational efficiency and discipline is also prohibited.

Employees will not use a social networking site or other medium of communication to post or broadcast any materials which would be detrimental to the mission and function of the City of Roswell.

## Chapter 3 - Recruitment & Selection

### 3.0 Non-Discrimination

The City seeks to hire the most suitable persons available without discrimination on the basis of any prohibited characteristic, including race, color, religion, sex, national origin, citizenship, age, military status, political affiliation, sexual orientation, gender identity to include transgender status, disability or other characteristics protected by law. In addition, the City will endeavor to make reasonable accommodations as required by law. When an employee believes an incident of discrimination has occurred, such incidents are to be reported to the Department Head, Director of Human Resources or City Administrator. Department Heads shall immediately report this information to the Director of Human Resources.

Applicants for vacant positions with the City of Roswell may be recruited by promotional competition from existing City employees or open competition from the general public and existing employees.

The Human Resources Division shall be responsible for all operational aspects of the City's recruitment program, including internal promotions.

### 3.1 Position Control

All positions in the City are established and maintained through a personnel budget each fiscal year in accordance with established budgeting and accounting procedures. The establishment of new or additional positions requires approval by Mayor & Council.

### 3.2 Vacant Positions

Each time a position vacancy occurs, the position shall be reviewed by the Department Head to determine whether the position has changed. If so, the Department Head shall submit a written request for the proposed changes to the Director of Human Resources and copy the City Administrator. The Director of Human Resources will review the Department Head's request and submit a recommendation to the City Administrator. The City Administrator will approve or deny all revisions to job descriptions but may also request additional information before making a final decision on the request. The Director of Human Resources will communicate the decision or request for additional information to the Department Head.

### 3.3 Vacancy Announcements

The Department Head will notify the Human Resources Division that a job vacancy exists and will complete a Request to Advertise form. The Human Resources Division will prepare a job vacancy announcement.

All job vacancy announcements will include the classification title, pay grade, essential duties to be performed, qualifications required, the department in which the job is located, other conditions of competition, the deadline for filing applications and a statement that the City is an Equal Opportunity Employer and a Drug Free Workplace. Vacancies will be announced to City employees through

bulletin board and Intranet posting. A vacancy announcement shall be posted for at least three (3) workdays.

Job vacancies may be filled by promotional competition from the City's employees. In addition, job vacancies may be advertised for open competition from the general public and existing employees in appropriate news media and posted at designated public areas for a minimum of seven (7) calendar days. Department Heads should notify the Human Resources Division in writing by completing the Request to Advertise Form if the position is to be advertised for internal promotional consideration first, or simultaneously advertised internally and externally.

### **3.4 Exceptions to Announcement Requirements**

**3.4.1 Change of Status for Temporary Positions** - Occasionally, the City authorizes permanent funding for positions that have previously been in existence solely on a temporary basis. In such circumstances, any person occupying a temporary position at the time of the authorization of permanent funding may be offered that position without public announcement; provided:

- That there has not been a significant or substantial change in the work assigned to position;
- The employee occupying the temporary position meets the minimum qualifications for the position in which he will be employed; and
- The employee has occupied the position for a minimum of ninety (90) days and has performed satisfactorily for that period as certified by the Department Head.

If **all** of these requirements are not met, the job will be posted and filled in accordance with the City's policies and procedures.

**3.4.2 Reduction in Force/Reorganizations** - The City Administrator, with the approval of Mayor & Council, shall have the right to authorize reorganizations and/or reductions in force. At any time, affected personnel may be assigned to newly created assignments or existing duties may be changed or a position may be eliminated to meet the needs of the City.

### **3.5 Application Process**

**3.5.1 Application Forms** - Applications shall be made on standard City of Roswell Application for Employment form submitted to the Human Resources Division. The City will accept resumes as well, but all applicants must complete a standard application form in order to be considered for an open position. For certain designated positions, a resume may be required in addition to the standard application. The Human Resource Division shall maintain a record of all applications submitted and any necessary recruitment information.

Applications are available at City Hall and may be accessed from the City's web site or obtained in person from the Human Resources Division during normal business hours. Applications will only be accepted for advertised or posted positions.

Applications must be received by the Human Resources Division by the close of business on the last day of the application period in order for the application to be considered for the position.

**3.5.2 Effect of False Information** - All applications shall be signed by the applicant verifying that the information contained on the application is true and correct to the best of the applicant's knowledge. If, at any time, the applicant's information is, in the sole discretion of the City, determined to be materially false, the applicant or employee is subject to either elimination from further consideration or, in the case of a current employee, disciplinary action up to and including termination. The Director of Human Resources or the Department Head may disqualify an applicant who practices or attempts to practice fraud or deception in the application or selection process.

**3.5.3 Active Status of Application** - Applicants are considered for advertised positions for which they specifically apply. Should the same or similar position become open within thirty (30) days of the closing date of the first announcement, or longer at the discretion of the Human Resources Division, but in no event more than sixty (60) days after the closing date for the first announcement, the same applicant pool or group may be used without further announcement or advertisement.

**3.5.4 Background Investigations** – In order to determine an applicant's suitability for employment, the City may require candidates for employment to submit to background investigation, as necessary and appropriate given the nature of the position for which an individual has applied. The Director of Human Resources shall determine whether an element of background investigation is appropriate to a certain position, and shall review and approve of any modifications to existing protocols for background investigation. An applicant's work history, education and criminal records, as appropriate, may be investigated for the purpose of verifying the statements contained in the application. Also, the Director of Human Resources or applicable Department Head may require the applicant to submit proof of education, necessary certifications or licenses etc., or any other job-related documentation deemed necessary.

**3.5.5 Employment Tests** - The Director of Human Resources and/or Department Head may require qualified applicants to take one or more position-related employment tests as part of the selection process. The Director of Human Resources shall approve such employment tests.

In an employment area such as Public Safety and Finance and other related positions, where the public has a compelling interest in the security of property and life, applicants for employment, promotion, and transfer may be asked to supply information that may not be required in other employment areas.

## **3.6 Selection Process**

**3.6.1 Application Review** - The Human Resources Division will forward applications determined to have met the minimum qualifications of the position in question to the department designee upon receipt. Generally, a pool of at least three (3) qualified applicants is sufficient.

**3.6.2 Insufficient Number of Qualified Applicants** – If, after reviewing the applications received during the open period for applications, the Human Resources Division determines that an insufficient pool of qualified applicants exists, the open period for applications may be extended for a period of up to thirty (30) days, and alternative methods of recruitment may be explored. Thereafter, if an insufficient pool of qualified applicants is still not obtained, the Human Resources Division may extend the open period indefinitely until such time as a sufficient pool of qualified applicants is obtained.

**3.6.3 Disqualification from Consideration for Position** - An applicant may be disqualified from consideration for a position for any of the following reasons but not limited to:

- It is determined that the applicant does not meet the minimum qualifications for the job;
- The applicant has made a false statement of material fact in the application or supporting materials;
- The applicant has used or attempted to use political pressure or bribery to secure an advantage in the recruitment and selection process;
- The applicant has failed to submit the application correctly or within the prescribed time limit;
- The applicant has previously been separated from the City for cause;
- The applicant (for a position for which criminal history is deemed relevant to the job) has failed to pass a criminal record check or has been convicted of a felony or otherwise exhibited dishonesty or public conduct offensive to the sensitivity of the public at large;
- The applicant's past record of employment with the City has been determined to be unsatisfactory; or,
- After an offer of employment has been made, has failed to pass an appropriate and required physical examination and/or drug screen.

**3.6.4 Employment Interviews** - After the pool of qualified applicants has been forwarded to the Department Head or his/her designee, the Department Head or his/her designee shall determine which applicants to interview. When possible, the Department Head or his/her designee should interview at least three (3) applicants for the available position. The Mayor & Council, City Administrator and Director of Human Resources may interview the final candidates for appointed positions. The final candidates for Division Head level positions will be interviewed by the Department Head and the Director of Human Resources, or his/her designee. The respective Department Head and Division Head will interview final candidates for supervisory positions.



**3.6.5 Selection for Position** - After reviewing the applications and conducting interviews, the hiring manager will recommend a candidate for hire. The Human Resources Division will review the selected application with respect to job qualifications, background checks, etc. and concur or disapprove of the selection within five (5) working days after receipt of the recommendation for hire. The Director of Human Resources' decision may be appealed to the City Administrator or his/her designee. The Department Head shall not establish a final offer, starting salary, or official beginning date of employment until their recommendation for hire has been decided favorably. The initial date of hire may not be a designated holiday.

**3.6.6 Notification of Selection/Non-selection for Position** - The Department Head or designee shall extend job offers for candidates in his department. The Human Resources Division shall send a non-select letter to all candidates interviewed, but not selected. All documents related to the interviewing process shall be returned to the Human Resources Division.

**3.6.7 Substance Abuse Policy/Physical Examination** - As part of the initial employment process, the applicant shall comply with the City's Drug and Alcohol Free Workplace Policy and may also be required to take a physical examination. Employment with the City is conditional on satisfactory results of the post offer drug test and/or physical examination. Refusal to submit to either a post offer drug test or a physical examination shall disqualify the person from employment with the City.

### **3.7 Anti-Nepotism/Fraternization**

#### **3.7.1 Definitions**

For the purposes of this policy, the term "relative" shall mean wife, husband, mother, father, daughter, son, sister, brother, granddaughter, grandson, grandmother, grandfather, aunt, uncle, nephew, niece, or cousins of the first generation. Also included are the step, half, adopted and in-law relationships as appropriate based on the above listing, as well as others living within the same household, co-parenting a child, or otherwise so closely identified with each other as to suggest a family relationship.

The term "fraternization" shall mean interaction or contact between employees - whether isolated, occasional, or continuous - of a sexual, romantic, or otherwise intimate nature.

The term "supervisory responsibility" shall include, but is not limited to, making decisions about work assignments, compensation, career advancement, or performance evaluation.

**3.7.2 Employment in Same Department Prohibited for Relatives.** Relatives shall not be employed in the same department if such employment will result in an employee directly or indirectly supervising, or having supervisory control, over a relative. Supervisory relationship notwithstanding, relatives shall not generally be employed in the same division of a department. However, the City Administrator or his/her designee may approve the employment of relatives in the same division of a department where such employment relationship has no potential to create operational conflicts and is not otherwise contrary to the best interests of the City. Any such approval shall be issued by the City Administrator or

his/her designee in writing and copies shall be placed in each employee's personnel file. Any such approval may be revoked at any time by the City Administrator or his/her designee.

**3.7.3 Employment Prohibited for Relatives of Certain City Employees and Officials.**

The City shall not at any time employ, whether it be in a regular, temporary, part-time or emergency position, a relative of the Mayor, City Clerk, City Attorney, Assistant City Attorney, City Administrator, Deputy City Administrator; a Judge, Solicitor, City Council member, or Department Head; or any personnel in Human Resources, Information Technology or Finance.

Additionally, the City shall not employ at any time in a seasonal capacity a relative of the Mayor, City Council member or the City Administrator.

*Note:* Immediate family of Recreation Commission members may be hired in City Departments other than the Recreation and Parks Department.

No relationships in violation of this policy shall be created from or after March 13, 2018. Unless deemed unduly disruptive, **disclosed** relationships existing prior to March 13, 2018 shall not be a cause for transfer, demotion, or termination of either employee; however, the affected employees shall be subject to this policy for any future assignments. Employees applying for internal job vacancies shall report any relationship(s) which may be in violation of this policy if they were to be selected for another City position.

In the event an immediate family member of an employee is elected into office at the City of Roswell, the employee will be expected to resign their position effective the date the elected official is sworn into office with the City.

**3.7.4 Fraternalization Discouraged; Prohibited.** Fraternalization between employees is discouraged as having a high possibility of undesirable consequences or ramifications for both the employees involved and the City, including but not limited to perceived sexual harassment. Fraternalization between a Department Head, manager, supervisor, or any other employee and an employee who he directly or indirectly supervises, or has supervisory responsibility for, is expressly prohibited. Employees within the same division of a department are discouraged from fraternizing.

**3.7.5 Nepotism, Fraternalization Arising or Discovered During Employment.**

Violations of this policy shall be immediately disclosed to the Director of Human Resources by the employees involved. Failure to do so may result in disciplinary action against the affected employee(s), up to and including termination. In the case that affected employees do not self-disclose their relationship(s), Department Head, managers and supervisors shall report their knowledge of such relationships to the Director of Human Resources. Should relationships in violation of this policy form during employment, it is not incumbent upon the City to create a new position to accommodate the policy constraints; therefore termination of the most recently hired employee shall be invoked in order to resolve the inconsistency with this policy, unless the more tenured of the affected parties voluntarily separates.

**3.7.6 Effect on Current Employees and Future Assignments.** No relationships in violation of this policy shall be created from or after January 31, 2013. Unless deemed unduly

disruptive, **disclosed** relationships existing prior to January 31, 2013 shall not be a cause for transfer, demotion, or termination of either employee; however, the affected employees shall be subject to this policy for any future assignments. Employees applying for internal job vacancies shall report any relationship(s) which may be in violation of this policy if they were to be selected for another City position.

**3.7.7 Exception for Emergency Situations.** An exception to this policy may be made in the case of an emergency. Such exception shall only be utilized with the approval of the City Administrator. As soon as practicable, but in no event more than six (6) months after the temporary assignment, the City must take action to ensure that the reassigned employee(s) are again separated.

### **3.8 Types of Employment**

All positions in the City shall be allocated to one (1) of the following four (4) general categories: regular position appointments; temporary position appointments; limited term position appointments and emergency position appointments:

**3.8.1 Regular Appointments** - A regular position is one that has been established for an indefinite time period. Regular positions may be established either on a full-time or part-time basis. Approval of the Mayor & Council is required for the establishment and abolishment of regular positions. An employee whose standard workweek is forty (40) hours or more is a regular full-time employee unless such employee is a public safety employee and qualifies as a part-time employee. An employee whose standard workweek is less than forty (40) hours per week or works a varying workweek based on availability given to the Department is a part-time employee. A person appointed to a part-time position shall not be eligible for the privileges and benefits conferred through the Human Resources Policies and Procedures Manual to regular full-time City employees, except as required by law.

**3.8.2 Temporary Appointments** - A temporary position may be full-time or part-time position, not continuous in nature, which has been established for a temporary work situation. Such positions shall not normally be established for periods in excess of one (1) year, but the position may be re-established annually. A person appointed to a temporary position shall not be eligible for the privileges and benefits conferred through the Human Resources Policies and Procedures Manual to regular full-time City employees, except as required by law. Establishment, abolishment or extenuation of temporary positions requires approval of the City Administrator.

**3.8.3 Limited Term Appointments** - Vacancies created by a leave of absence without pay may be filled by limited term appointments. A person holding a limited term appointment may be terminated when the person replaced returns to the position. Transfer from limited term to regular full time position may be made if the person being replaced fails to return to work as scheduled. Except for the limited nature of their status, employees holding limited term appointments shall have the same privileges and benefits as regular employees. Department Heads utilizing Limited Term Appointments should make prospective employees aware that their position is only for a limited time unless the incumbent fails to return to work.

**3.8.4 Interim Appointments** - An interim position is a full-time or part-time position, not continuous in nature, created when an emergency makes it impossible to fill a position by the normal procedure. The City Administrator or Department Head may appoint any qualified person to such position in order to prevent stoppage of public business or loss or serious inconvenience to the public. All interim appointments must immediately be reported to the Director of Human Resources. Any such person shall be appointed to such a position only during such emergency and for a period not to exceed an aggregate total of ninety (90) days in any 12-month period, unless otherwise approved by the City Administrator.

A vacancy for which the Department Head has had a reasonable notice, or an employment condition of which he had or might with due diligence have had previous knowledge, will not be considered an emergency. The Director of Human Resources will report interim appointments immediately to the City Administrator.

**3.8.5 Mayor & Council Appointed Positions** – City Administrator/Deputy City Administrator/Department Heads/City Attorney/Assistant City Attorney/City Clerk - Persons occupying these positions are considered to be management representatives appointed by Mayor & Council and therefore serve at the pleasure of the Mayor & Council. Additionally, the position of Executive Assistant to the Mayor serves at the pleasure of Mayor even though the position is not a management representative.

### **3.9 Reinstatement**

An employee who resigns or retires while in good standing or who is dismissed because of reduction in force may be reinstated to his former position or to another position. The employee must apply for reinstatement within one (1) year from the date of separation and must begin employment within one (1) year from the date of separation. The Department Head, Director of Human Resources and the City Administrator or his/her designee must approve the reinstatement. Regular full time employees may be reinstated only once unless otherwise approved by the City Administrator or his/her designee.

For the purpose of determining Paid Time Off (PTO), a reinstated employee shall be credited with the years/months of City employment counted to the date of his separation.

A reinstated employee will accrue sick leave at the normal rate and will not retain any previous accrued sick leave accumulated before his termination.

A reinstated employee will begin a new Introductory Period for twelve (12) months upon reinstatement.

With the recommendation of the Department Head, the Director of Human Resources with the approval of the City Administrator shall determine the salary of the reinstated employee in accordance with Chapter 5 – Classification and Compensation Plan.

Reinstatement of retirees is subject to the rules and regulations of the retirement plan documents. An eligible employee who is reinstated in a full-time position will be enrolled in the City's Defined Contribution Plan (DC) regardless of which retirement plan the employee was previously enrolled. No employee may be re-enrolled in the City's frozen Defined Benefit Plan.

### **3.10 Rehire**

An employee who resigns or retires from the City while in good standing or who is dismissed because of reduction in force may be eligible for rehire after one (1) year from the date of separation. The Department Head, Director of Human Resources and the City Administrator or his/her designee must approve the rehire. Regular full time employees may be rehired only once unless otherwise approved by the City Administrator or his/her designee.

When a former employee is rehired, he shall be considered a new employee in regards to the Introductory Period and other benefits such as Paid Time Off (PTO) and sick leave.

With the recommendation of the Department Head and the Director of Human Resources, the City Administrator shall determine the salary of the rehired employee in accordance with Chapter 5 – Classification and Compensation Plan.

Rehiring of retirees is subject to the rules and regulations of the retirement plan documents. An eligible employee who is rehired in a full-time position will be enrolled in the City's Defined Contribution Plan (DC) regardless of which retirement plan the employee was previously enrolled. No employee may be re-enrolled in the City's frozen Defined Benefit Plan.

### **3.11 Reinstatement and Rehire of City of Roswell Retirees**

City of Roswell retirees may be reinstated or rehired with the approval of the Department Head, Director of Human Resources and the City Administrator or his/her designee. A retiree is defined as a former employee who is receiving funds from a City sponsored retirement plan. Retirees may be reinstated by the City in a temporary, part time or consulting capacity, if they have been separated from the City for at least six (6) months. See Policy 3.9 for more on reinstatement to the City. Retirees may be rehired by the City in a full time capacity once they have been separated from the City for a period of one (1) year. See Policy 3.10 for more information on rehire to the City.

## **Chapter 4 - Introductory Period**

### **4.0 Objective**

The Introductory Period shall be regarded as an integral part of the employment selection process and shall be utilized for closely observing the employee's performance and suitability for the position. The Introductory Period will be used for securing the most effective assessment of a new regular, full-time employee and for terminating any employee whose performance is not satisfactory or suitable for the position.

### **4.1 Duration**

The Introductory Period shall normally be six (6) consecutive months of service in a position in which a full-time employee has been initially employed, promoted, reinstated, rehired, transferred or demoted. The exception to the six (6) month introductory period will be non-certified police officers and communication officers. They will still be subject to 12 months. This exception is subject to the discretion of the Police Chief or their designee. All full-time employees will be eligible for merit increases at 6 months unless the introductory period has been extended.

Employment in a position other than a regular, full-time position shall not be counted toward the Introductory Period six-month requirement. Exception: Temporary, full-time employees who assume regular full-time positions as a result of the permanent funding of such position may receive Introductory Period credit for time spent in the full-time temporary capacity at the discretion of the City Administrator or his/her designee.

### **4.2 No Appeal Rights for Introductory Period Employees**

Except for matters involving illegal discrimination or harassment, employees serving an Introductory Period shall not be entitled to utilize the City's appeal procedures.

### **4.3 Extension of the Introductory Period**

Department Heads may extend the Introductory Period, with approval of the Director of Human Resources, up to ninety (90) days maximum. The Director of Human Resources may also recommend an extension of the Introductory Period for an employee.

### **4.4 Employee Sick Leave/Paid Time Off (PTO) Benefits During Introductory Period**

Although the Introductory Period for initial, regular full-time employment is six (6) consecutive months, sick leave benefits as set forth within this Manual will be extended to such employees as it is accrued. Paid Time Off (PTO) will also be extended to such employees as it is accrued per the policy set forth within this Manual. Any employee serving less than six (6) months of service shall receive no compensation for accrued Paid Time Off (PTO) upon termination.

### **4.5 Eligibility for Promotions & Transfers for Introductory Period Employees**

Newly hired Introductory Period employees must satisfactorily complete a minimum of six (6) months of their Introductory Period to be eligible to apply for open position vacancies in the City. With the approval of the City Administrator, employees who have been employed for less than six (6) may

transfer to departments outside of their original department for business necessity. Internal departmental promotions and/or transfers are exempt from this requirement.

#### **4.6 Introductory Period for Employees Transferred, Promoted or Demoted**

A new Introductory Period shall also be established for promotional appointments, transfers and demotions. This Introductory Period shall normally be for (6) six months unless otherwise determined by the City Administrator. Employees transferring from part time positions to regular full time positions shall serve an Introductory Period.

#### **4.7 Introductory Period for Employees Rehired or Reinstated**

Rehired and reinstated employees will serve a six (6) month Introductory Period upon rehire or reinstatement.

#### **4.8 Unsuccessful Introductory Period for Promoted Employees**

If an employee who is promoted fails to perform satisfactorily during the Introductory Period, the employee shall be eligible for appointment to a position that is comparable to the previous position held prior to the promotion, if such position is available. If no such position is available, the employee will be subject to termination.

#### **4.9 Periodic Evaluations During Introductory Periods**

Introductory Period employees should be evaluated by the Department Head or his designee at least two (2) times during the Introductory Period:

- On or about the end of the third month; and
- No later than three (3) week prior to the close of the Introductory Period.
- A performance evaluation on or about the end of the sixth month and the ninth month are optional for supervisors to complete;
- Performance evaluations shall be written and the employee must sign an acknowledgment of receipt of the evaluation. All evaluations shall be forwarded to Human Resources.

#### **4.10 Anniversary of Employment Date**

The individual's service anniversary date shall be established on the initial date of full-time employment (month, day and year) with the City.

## **Chapter 5 - Classification and Compensation Plan**

### **General:**

#### **5.0 Classification and Compensation Plan Defined**

The Classification and Compensation Plan is the official and approved system of grouping positions into appropriate pay grades and includes job descriptions, qualifications, and guidelines for administration. All employees shall be paid in accordance with the Classification and Compensation Plan. The Official Classification and Compensation Plan is located on the City's Intranet.

A position is a group of currently assigned duties and responsibilities requiring the regular full-time employment of one person, or the part-time employment of individuals tasked with those responsibilities. A position may be occupied or vacant.

A job/classification title is the official designation or name given to the written description of a position. It shall be used on all official and personnel records.

#### **5.1 Purpose**

The purpose of the Classification and Compensation Plan is to provide a systematic way of establishing pay grades and ranges for each position. Pay ranges are based on comparative salary information and internal job evaluation information. It is the objective of the City to provide a fair, equitable and consistent method of compensation for all employees.

#### **5.2 Official Copy of the Classification and Compensation Plan**

The Human Resources Division shall be responsible for maintaining an official copy of the Classification and Compensation Plan. A copy of the Classification and Compensation Plan shall be available for inspection by the public, and is readily available on the City's Intranet.

#### **5.3 Adoption & Amendment of Classification and Compensation Plan**

When approved by Mayor & Council, the Classification and Compensation Plan shall constitute the City's classification of all positions.

Amendments to the Classification and Compensation Plan require approval of Mayor & Council. Amendments may be approved as Resolutions, as part of the annual budget process or by approved motions at any regular Council meeting. This does not include individual position reclassifications as approved by the City Administrator.

#### **5.4 Employees Covered**

When approved by the Mayor & Council, the Classification and Compensation Plan shall constitute the City's classification of all positions covered by this Manual.



## **5.5 Administration of the Classification and Compensation Plan**

The City Administrator shall be responsible for administering the Classification and Compensation Plan. The Director of Human Resources will assist the City Administrator in this capacity.

## **5.6 Maintenance of the Classification and Compensation Plan**

The Director of Human Resources shall review the Classification and Compensation Plan each fiscal year and recommend any necessary revisions to the City Administrator. If the City Administrator agrees with the proposed revisions, the recommendations will be forwarded to the Mayor & Council for their consideration. The Mayor & Council shall approve all revisions to the Classification and Compensation Plan. Nothing in this policy precludes individual position reclassifications as approved by the City Administrator.

## **5.7 Salary Surveys**

The City shall endeavor to have all City employees paid a fair and competitive salary based on survey and analysis of labor market pay rates for comparable jobs. The Director of Human Resources shall periodically conduct such surveys and provide recommendations to the City Administrator on adjustments to the Classification and Compensation Plan based on the data collected.

## **Classification:**

### **5.8 New Positions**

It shall be the duty of each Department Head to submit to the Director of Human Resources requests for new position descriptions for all affected positions each time a department or division under their jurisdiction is permanently or substantially reorganized. The Department Head shall prepare new position descriptions and submit allocation recommendations to the Director of Human Resources. The City Administrator or his/her designee shall approve all position descriptions.

The Human Resource Division may require departments or employees to submit information for new position descriptions on a periodic basis, or at any time they have reason to believe that there has been a change in the duties and responsibilities of one or more positions.

Each time a new position is classified; a position description shall be written and incorporated in the existing Classification and Compensation Plan. Likewise, an abolished class shall be deleted from the position classification plan.

### **5.9 Allocations of Positions**

Before a new position can be requested, established and approved by the Mayor & Council, the Department Head involved, assisted by the Director of Human Resources, shall complete a position description covering the duties and responsibilities of each proposed position. The Director of Human Resources shall allocate the position to one of the existing pay grades in the Classification and Compensation Plan with the approval of the City Administrator prior to being submitted for budget approval and approval of Mayor & Council.

### **5.10 Review of Position Allocation**

If an employee has facts that indicate to them that their position is improperly allocated, the employee may request that the Department Head review the allocation of their position. The Department Head will review the employee's request and make a written recommendation to the Director of Human Resources with a copy to the City Administrator. The recommendation shall contain a statement of justification. The Director of Human Resources shall review the recommendation with the Department Head within ten (10) calendar days and make a recommendation to the City Administrator. The City Administrator will approve, deny or request additional information from the Director of Human Resources. If the City Administrator issues a decision, the Department Head will be notified who will then notify the employee in writing of the final decision. If additional information is requested, the Director of Human Resources will work with the Department Head to have this additional information submitted to the City Administrator for a final decision.

### **5.11 Interpretation of Position Descriptions and Classifications**

A job description shall be prepared for each regular full-time City position for the purpose of describing the duties and responsibilities of the position and its performance requirements. These job descriptions shall be utilized in determining the pay grade of positions listed in the Classification and Compensation Plan. Position descriptions are intended to be descriptive and not restrictive. The use of a particular description as to duties, qualifications or other factors shall not be held to exclude others of similar kind or quality.

### **5.12 Requesting a Position Description Review**

An employee may request that his job description be reviewed for accuracy. The request must be in writing to his Department Head and should clearly state the reasons for the request for the position description review. The Department Head shall review the request and determine whether there is any basis for the request. The Department Head shall forward his recommendation to the Director of Human Resources and copy the City Administrator. The Director of Human Resources shall forward the recommendation to the City Administrator, stating whether he concurs or disagrees with the recommendation and the City Administrator shall take final action on the matter.

### **5.13 Working Out of Classification**

An employee who is designated by the Department Head, with the approval of the City Administrator or his/her designee, as working out of classification at a higher job classification may be compensated at five (5) percent above their regular rate of pay for each day so designated.

No out of class pay will be paid to employees required to act in a higher classification if the duties of the higher classification are substantially similar to the acting employee's normal duties, unless the employee shall act continually for a period of thirty (30) calendar days or more. Employees who work out of classification for thirty (30) days or more are to be compensated at the minimum rate of the higher class or five (5) percent above their regular rate of pay, whichever is greater. The employee's compensation will return to his previous salary at the completion of the interim temporary promotion.

## **Compensation:**

### **5.14 Pay Is Not a Basis for Appeal**

Under no circumstances will any appeal be accepted for review at any level on the basis of pay, except in cases of alleged unlawful discrimination. Compensation is a management decision based on assessment of the employee's education, experience and performance.

### **5.15 Effective Date**

The effective date of any action which impacts the employee's pay shall be the date of the final decision. Any additional funding or position upgrade deemed to be necessary as a result of a reclassification review is subject to the approval by the City Administrator.

### **5.16 General Rules**

- Full-time positions shall be classified with the exception of the City Administrator and Deputy City Administrator.
- The Director of Human Resources will approve all changes in salary, except as otherwise stated.
- Pay increases for Deputy Department Heads and Division Heads shall be approved by the City Administrator.
- Pay increases for the City Administrator shall be determined by the Mayor & Council on an annual basis.
- Pay increases for Department Head positions shall be recommended by the City Administrator and approved by Mayor & Council.

### **5.17 Mayor's Office Staff**

The Executive Assistant to the Mayor and the Mayor's Administrative Assistant shall be appointed by and serve at the pleasure of the Mayor. The appropriate salary range for the particular classifications shall apply and the Mayor may establish the salary for these positions within the range.

### **5.18 Full-Time Employees**

A new full-time employee shall be paid at least the minimum or up to the midpoint of the established salary range for the position to which they have been assigned. The Department Head, with the approval of the Director of Human Resources, may authorize starting salaries up to the midpoint of the salary range. Exceptions may be made for hires due to experience and/or education and may be granted only upon the prior approval of the City Administrator and the Director of Human Resources. Salary advances are not permitted under the City of Roswell pay plan.

### **5.19 Salary Adjustments for Promotions**

When an employee is promoted, the employee's salary will be increased, at least, to the minimum pay of the new pay grade. If an employee is promoted one (1) pay grade, the pay increase will be the minimum pay of the new pay grade or five percent (5%) more than the employee's previous pay, whichever is greater. If the promotion is two (2) or three (3) pay grades higher, the employee shall receive the minimum pay rate of the higher pay grade or ten percent (10%) more than the employee's previous pay, whichever is greater. If the promotion is four (4) or more pay grades higher, the employee shall receive the minimum pay of the new grade or fifteen percent (15%) more than the employee's previous pay, whichever is greater. The Director of Human Resources shall approve all promotional increases.

The City Administrator must approve any promotional increase outside the above guidelines.

### **5.20 Salary Adjustments for Demoted Employees**

Demotion is defined as the assignment of an employee from a position in one class to a position in another class assigned to a lower pay grade. The salary of a demoted employee must fall within the salary range of the new position. Subject to review and approval by the City Administrator or his/her designee, the salary of a demoted employee may be reduced by five percent (5%) per pay grade, up to a maximum of fifteen percent (15%) but may not exceed the maximum amount for the pay grade. The City Administrator or his/her designee shall determine the salary of the employee demoted because of no fault of the employee. The salary of an employee demoted because of unsatisfactory performance or behavior will be determined by the City Administrator or his/her designee in conjunction with the Director of Human Resources and the Department Head.

### **5.21 Salary of a Transferred Employee**

The employee's status and pay shall remain the same when an employee is transferred to another position within the same pay grade. The transferred employee will begin a new introductory period upon transfer to a new position.

### **5.22 Position Classification Downgrades**

All job downgrades will be analyzed by the Director of Human Resources and approved by the City Administrator. When an employee's current position is reallocated to a lower pay grade and the present salary is above the maximum for the lower pay grade, the position will be "red flagged" so that the salary is frozen until the salary falls within the specified range of the existing Classification and Compensation Plan. This does not apply to positions in which job duties are redefined and a new position classification is created.

### **5.23 Salary of Employee Reaching the Maximum of Pay Grade**

If an employee has reached the maximum of the approved salary range for his pay grade classification, the salary will be "red flagged" and frozen until the salary range is increased. An employee may not receive pay rate increases past the maximum for his current pay grade classification.

## 5.24 Merit Increase Policy

It is the policy of the City to reward good job performance by establishing an equitable system of providing pay increases. Salary increases are not automatic. They are based on merit and formal performance evaluations by supervisors and may be granted only when the quality of an employee's work performance is satisfactory or above. Individuals, whose salaries are red-flagged, pursuant to Section 5.22 and 5.23 above, may be considered for performance-based incentives, in lieu of a salary increase. Any such incentive must be reviewed and approved by the City Administrator, and must be supported by satisfactory performance appraisals.

## 5.25 Eligibility Requirements

An employee is eligible for a merit review and possible increase the first full payroll period following the passage of twelve (12) months after the date of employment, promotion, transfer or demotion and on an annual basis thereafter. If merit increases are approved in the annual budget, eligible employees may receive a merit increase around the beginning of the fiscal year if they are not in their Introductory Period. Merit increase amounts are based on job performance.

The initial pay increase shall be subject to the completion of a performance review and in accord with the Classification & Compensation Plan as approved by the Mayor & Council and as subsequently amended. The Human Resources Division shall certify that the performance review has been prepared in writing on the prescribed form. The City Administrator, or his/her designee, shall have the authority to grant or deny an initial merit increase after reviewing the performance review. Initial merit increases are directly dependent upon available funds as defined by the approved City budget.

## 5.26 Subsequent Merit Increases

Subsequent eligibility for pay increases shall be based on satisfactory performance ratings and may be granted in accordance with the City of Roswell Classification and Compensation Plan, as amended. Subsequent merit raises will be at the recommendation of the Department Head and approval by the Director of Human Resources within the guidelines established by the City Administrator. Merit increases will not be given to employees on leaves of absence, currently on a performance improvement plan or employees on probation.

# Chapter 6 - Overtime /Compensatory Time

## 6.0 Overtime Defined

Under federal overtime law, overtime pay is equal to one and one-half (1½) times the employee's regular rate of pay. For most eligible employees, overtime pay will be paid for all hours **worked** in excess of forty (40) in the workweek. The determination of maximum hours for public safety employees will be determined by the work period established by the Department Head and consistent with the Fair Labor Standards Act.

All City positions will be identified as exempt or nonexempt from overtime compensation per the Classification and Compensation Plan. Department Heads shall be responsible for the reporting of hours worked and attendance of all persons in their departments. The Human Resources Division, in accordance with these policies, shall maintain complete attendance records. Overtime shall be computed in quarter-hour units, calculated to the nearest quarter hour.

### **6.1 Establishment of the Work Week**

The work week for purposes of overtime eligibility and compliance with the Fair Labor Standards Act shall be seven (7) consecutive days, commencing with 23:00 (11:00pm) Sunday through 23:00 (11:00pm) Sunday. The seven-day work week will correspond with the reporting period on the employee's time and attendance sheets. This designated work week shall apply to all City employees with the exception of sworn public safety employees, Emergency Communications/E-911 employees or Fire personnel for whom established work periods may be separate from the standard work week pursuant to the Fair Labor Standards Act (FLSA).

### **6.2 Limiting Overtime**

Whenever possible, Department Heads and supervisors shall schedule the work of their employees so as to accomplish the required work within the standard work week or work period whenever possible.

### **6.3 Exempt Employees**

Some job classifications are exempt from federal overtime requirements, and the City therefore does not provide these employees with overtime pay. A list of positions that are classified as “exempt” from federal law overtime requirements is provided in the Classification and Compensation Plan, which is available on the City’s Intranet. From time to time, the City may add new positions or reclassify existing positions. The Human Resources Division will notify employees affected by such reclassifications. Employees exempt from overtime usually fall into one of three categories: executive, administrative, and professional. FLSA requirements apply to positions of employees, not to classes. The following personnel are designated as exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and from all procedures contained in this administrative regulation:

- Elected officials of the City;
- Members of boards and commissions who are appointed by the City Council and serve without pay;
- City Administrator, Deputy City Administrator, City Attorney, Assistant City Attorney, City Solicitor, Municipal Court Judge;
- All Department Heads;
- In the case of public safety officers, anyone holding a rank of lieutenant or above; and
- Other exempt positions as identified in the Classification and Compensation Plan.

### **6.4 Non-Exempt Overtime**

When overtime is earned and the total amount of actual hours worked exceeds the standard work week or work period, the non-exempt employee shall be compensated at one and one-half (1½) times the non-exempt employee's regular rate of pay or receive compensatory leave time on a time and one-half (1½) basis. For purposes of overtime compensation, **only hours actually worked** will be computed in calculating overtime. **For example, compensatory time, Paid Time Off, Holidays, Sick and other leave times wherein pay is allowed, cannot be used to compute overtime compensation.**

The Department Head shall determine the method of overtime compensation upon recommendation by the employee's supervisor. Absent a standing, written agreement on file in an employee's official personnel file, the determination of whether monetary compensation or compensatory leave will be utilized must be communicated to the employee prior to the overtime hours being worked. Compensatory leave shall not be accumulated in excess of eighty (80) hours.

If non-exempt employees have accrued the maximum number of compensatory hours allowed (80 hours), overtime compensation shall be made. A request to use accrued compensatory leave must be granted within a reasonable period after such request has been submitted.

Upon separation, a nonexempt employee shall receive payment for the remaining balance of accrued compensatory leave.

## **6.5 Authorization of Overtime**

Employees whose job classification makes them eligible for overtime pay shall only perform overtime work after receiving the approval of their Department Head or his/her designee. Supervisory personnel who authorize overtime work without authorization from the Department Head may be subject to disciplinary action up to and including termination.

## **6.6 When Overtime Will Be Awarded**

The City shall generally require the accrual of compensatory time for the compensation of overtime hours worked, not to exceed an accumulation of eighty (80) hours for individual employees. Where a Department Head has obtained the approval of the City Administrator, and where a departmental budget supports it, the use of monetary payment for overtime hours worked may be utilized.

## **6.7 Compensatory Time**

Rather than paying an eligible non-exempt employee overtime, the City may instead require the accrual of compensatory leave time. All non-exempt employees will sign an awareness statement indicating their understanding that the City will utilize compensatory leave as an alternative to monetary payment, subject to the exceptions identified in Section 6.6 above. The compensatory leave time shall be calculated at a rate of one and one-half (1½) hours for each hour worked that would have otherwise been designated as overtime hours. Such compensatory leave time may not exceed eighty (80) hours.

## **6.8 Requests to Use Compensatory Time**

A request to use accrued compensatory leave must be granted within a reasonable period after such request has been submitted, unless the Department Head determines that the request will unduly disrupt the operations of the affected Department.

## **6.9 Monetary Payment for Compensatory Time**

An employee will not be entitled to monetary payment for accrued compensatory leave time except where the employee separates his employment with the City. Upon separation, an employee with unused compensatory leave time shall receive payment for the remaining balance of accrued compensatory leave. The “regular rate of pay” for calculating any such payment will be determined in accordance with the relevant regulations issued by the U.S. Department of Labor, Wage and Hour Division.



## Chapter 7 - Appraisal of Performance

### 7.0 General

The Human Resources Division will implement a performance appraisal system for the City of Roswell.

### 7.1 Purpose

The purpose of the performance appraisal system is to provide a formal means of communicating information to the employee concerning their work related strengths and developmental opportunities. A performance appraisal will be used as a factor in determining promotions, performance pay increases, and disciplinary actions.

### 7.2 Methods of Appraisal

The City does not utilize a single method of performance appraisal. Written performance appraisal forms are available for all departments and for various classes of jobs. Employees are also given verbal directives and evaluations of their day-to-day performance. Current approved performance appraisal forms may be found on the City of Roswell Intranet.

### 7.3 Appraisal Frequency

A “performance appraisal” will be conducted for Introductory Period employees as determined in Chapter 4 - Introductory Period as follows:

- On or about the end of the third month; and
- A performance appraisal should be completed approximately three (3) weeks prior to the close of the Introductory Period.
- A performance evaluation on or about at the end of the sixth month and the ninth month are optional for supervisors to complete.

All performance appraisals shall be forwarded to Human Resources to be placed in the employee’s personnel file. No pay increase is given during the Introductory Period unless authorized by the City Administrator.

For full-time and part-time employees, not in an Introductory Period, a written performance appraisal will be performed yearly. This performance appraisal will provide a basis for consideration for performance based increases, if approved by Mayor & Council. The Department Head or his designee will be responsible for scheduling performance appraisals for these employees.

The City Administrator or his/her designee shall have the authority to grant or deny a performance increase after reviewing the performance review. Increases are directly dependent upon available funds as defined by the approved City budget and based on job performance.

#### **7.4 Promotional Performance Appraisals**

If an employee is promoted, his Introductory Period review will occur at the 3-month point after the date of the promotion. His annual review may be completed at the 12-month point after promotion, or on the date all other employee annual reviews are to be completed. Supervisors have the option of completing a performance evaluation at the end of the sixth month and at the end of the ninth month following an employee who has been newly hired, promoted, transferred, or demoted. The Department Head may confer with the Human Resources Division to determine the appropriate timing of Introductory Period evaluations for employees.

#### **7.5 Performance Review**

The Human Resources Division will coordinate the performance management process and provide guidelines and instruction to Department Heads and supervisors. The employee's immediate supervisor will arrange for a performance review session with the employee within prescribed timeframe given by Human Resources. Each time a performance review session is conducted, the appraising supervisor will hold a private session with the employee to explain his assessment.

#### **7.6 Employee Signature on Performance Appraisal**

After the performance review, the employee and supervisor will sign the document indicating that the performance review has been explained to the employee. The employee shall sign indicating that the performance evaluation has been explained to him, regardless of whether the employee agrees with the content of the evaluation. When an employee refuses to sign an evaluation, after being instructed that his signature does not indicate agreement with the content of the evaluation, the evaluating supervisor should arrange to have another supervisory employee witness the refusal to sign and make a written indication of the refusal on the form. Supervisors are encouraged to consult with their Department Head or the Director of Human Resources in these circumstances.

#### **7.7 Retention of Performance Evaluation after Review Session**

The supervisor shall forward the performance review to the Department Head for his review and signature. The performance review shall then be forwarded to the Human Resources Division. The performance appraisal will be placed in the employee's personnel file.

#### **7.8 Employee Disagreement with Performance Appraisal**

If the employee disagrees with the content of the performance evaluation, he may either (1) place a written statement on the performance evaluation indicating the reason for disagreement or (2) submit a written statement to the Director of Human Resources within fifteen (15) days of the review session. The statement will be placed in the employee's personnel file. The content or rating of a performance evaluation may not be grieved or appealed, except when the employee can show that the evaluation is discriminatory. If an employee claims the content of the evaluation is discriminatory, the Human Resources Division shall promptly investigate the matter and provide recommendation(s) for resolution, if any, to the Department Head and the City Administrator.

## **7.9 Department Head Appraisals**

The City Administrator will be responsible for the performance appraisals for all Department Heads. Mayor & Council may also provide input or feedback on the performance of Department Heads. The City Administrator will recommend merit increases for Department Heads with the approval of Mayor & Council.

## Chapter 8 - Promotions, Transfers & Demotions

### 8.0 Promotion Defined

A promotion is the permanent or temporary advancement of a City employee to a position with a higher pay grade within the City of Roswell Classification and Compensation Plan. The Director of Human Resources shall determine salary adjustments for employees who are promoted in accordance with the established salary guidelines as outlined in Chapter 5 – Classification and Compensation Plan, with the approval of the City Administrator.

### 8.1 Promotional Eligibility

An employee must complete at least six (6) months of employment with the City to be eligible for promotions outside the original hiring department. With the approval of the City Administrator, employees who have been employed for less than six (6) may transfer to departments outside of their original department for business necessity. **Internal** department promotions are exempt from the six (6) month requirement. The Director of Human Resources must approve all internal departmental and interdepartmental promotions with the concurrence of the City Administrator or his/her designee.

### 8.2 Internal Job Vacancies

Job vacancies may be filled by promotional competition from within the City's work force. Job vacancy announcements will be posted on the City's Intranet for a minimum of three (3) days, but may be simultaneously advertised to external candidates. Applications for Internal Job Vacancy should be completed and returned to the Human Resources Division.

Promotional announcements may be limited to current City employees when it is determined by the Human Resources Division that a sufficient number of qualified candidates may be available internally to give the selecting official a reasonable amount of choice.

### 8.3 Temporary Promotions

**8.3.1 Necessity for Temporary Promotions** - In the event a Department Head finds it necessary to request a temporary promotion of an employee due to the absence of the incumbent because of illness, injury, long-term absence or other needs of the Department, a temporary promotion may be granted. The employee who is temporarily promoted will function in an "acting" capacity.

**8.3.2 Method for Requesting Temporary Promotion** - The Department Head shall submit a request for any such temporary promotion to the Director of Human Resources and shall indicate the reasons and the need for the temporary promotion, the duration of the action, and the job responsibilities that the temporarily assigned employee will assume. The employee must meet the minimum eligibility requirements for the higher classified position. The City Administrator will approve all temporary promotions. Employees shall not apply for temporary promotions. Only Department Heads may request that an employee receive a temporary promotion.

**8.3.3 Duration of Temporary Promotion** - A temporary promotion generally shall not exceed one (1) year in duration, except when authorized by the City Administrator.

**8.3.4 Compensation During Temporary Promotion** - When a temporary promotion is approved, the appointed employee's compensation for performance in the acting capacity shall (1) be at the minimum salary of the pay grade of the temporary position being filled or; (2) a five percent (5%) increase in the employee's salary, whichever is greater. The employee's compensation will return to his previous salary at the completion of the interim temporary promotion. See Chapter 5 – Classification and Compensation Plan.

**8.3.5 Return to Original Position** - At the end of the temporary promotion, the employee shall return to the job classification from which the employee was temporarily promoted; however, the employee will be entitled to any salary increases to which the employee would have been entitled solely on the basis of merit in his previous position. The employee would only be entitled to a merit increase if the employee's performance overall for the review year met the City's established standards for granting a merit raise.

## **8.4 Transfers**

**8.4.1 Transfer Defined** - A transfer is the lateral movement of a regular employee to another position with the same pay grade as the employee's former position. The pay of the employee shall remain the same as previously existed. A lateral transfer requires that an employee serve a new Introductory Period. Either the employee or Department Head may request a transfer.

**8.4.2 Reasons for Transfer** - A transfer may be granted for any of the following reasons: convenience to the City, convenience to the respective employee, or to increase the flexibility of the work force.

**8.4.3 Method to Request Transfer** - An employee or Department Head may initiate a request for transfer. The request must be made in writing to the Director of Human Resources, with the reasons and anticipated outcome of the requested transfer.

**8.4.4 Approval of Transfers** - The Director of Human Resources must approve intra-department transfers. The Director of Human Resources and the City Administrator or his/her designee must approve the transfer of an employee to a different department.

**8.4.5 Refusal to Accept Transfer** - An employee's refusal to transfer may result in the employee's termination from employment with the City.

**8.4.6 Transfers to Specialized Assignments** – A Department Head may elect to utilize a competitive selection process for transfers to job assignments requiring specialized knowledge, skill, competencies and/or abilities. The Director of Human Resources shall review and approve of any such competitive selection process when such it to be utilized.

## 8.5 Demotions

**8.5.1 Demotion Defined** - A demotion is the voluntary or involuntary movement of a full time employee to a position with a lower pay grade and salary or from a full time position to a part time position. A demotion will require that an employee serve a new Introductory Period unless the employee moved to a part time position.

**8.5.2 Reasons for Demotions** - An employee may be demoted on an involuntary basis for disciplinary reasons, or for business reasons as determined by the City. An employee may also request to be demoted to a vacant position.

**8.5.3 Demotion Requests** – In consultation, Department Heads, the Director of Human Resources, and the City Administrator or his/her designee may recommend employee demotions. An employee may also request a voluntary move to a position with a lower pay grade and salary or to a vacant part time position, but such requests will require appropriate justification that the move will be beneficial to the employee and the City.

**8.5.4 Approval of Demotions** – The Director of Human Resources and the City Administrator or his/her designee shall approve all demotions.

**8.5.5 Method for Requesting Demotion** - A Department Head who wishes to demote an employee shall submit a written request to the Director of Human Resources, including reasons for the request of this action. The Director of Human Resources will concur or disagree with the recommendation and forward it to the City Administrator. If an employee is demoted as a disciplinary action, the Department Head will adhere to Policy 13.5 - Procedural Guidelines for Administering Disciplinary Action.

**8.5.6 Qualification for Position** - An employee must be qualified for the position into which he is demoted. Such demotion will not take place until the Director of Human Resources has determined if the affected employee is qualified for the position to which he is being demoted.

**8.5.7 Determination of Classification and Rate of Pay** – The employee's classification and rate of pay may be reduced as determined by the Director of Human Resources after consultation with the City Administrator and the Department Head, taking into consideration the circumstances surrounding the reasons for demotion and in accordance with the City's Classification and Compensation Plan.

## Chapter 9 - Employee Benefits

### 9.0 Benefits

Regular, full-time employees may be eligible for a number of benefits offered by the City of Roswell. Currently, these benefits include: Holiday Pay, Medical, Life & Accidental Death & Dismemberment Insurance, Paid Time Off (PTO), Paid Sick Leave, Short Term & Long Term Disability, Educational Assistance Program, Employee Assistance Program (EAP), Retirement and Death Benefits. Part-time and temporary employees may not be eligible for these benefits. **The City of Roswell reserves the right to amend, modify, change, replace, suspend or cancel any of these benefits at any time, with or without cause, with or without notice.**

**Please contact the Human Resources Division for detailed information regarding benefits.**

### 9.1 Insurance

Regular, full-time employees including Introductory Period employees are eligible for participation in Group Life Insurance, Group Medical, Accidental Death & Dismemberment, Short Term & Long Term Disability, and other insurance programs as authorized by Mayor & Council. Certain part-time employees, who meet a threshold level of hours worked, as specified in federal law, may be afforded coverage under the Group Medical Plan. Employees may be enrolled in the programs upon their request, in accordance with the provisions of the insurance contracts, or as specified in law. The City may cover the cost of some or all of the programs as determined by the Mayor & Council. Employees are responsible for any costs not covered by the City. The Human Resources Division will maintain a listing and explanation of all available insurance benefits.

Newly hired employees that are eligible for benefits will have thirty (30) days from the date of employment to enroll in the City of Roswell's benefit programs. The employee is responsible for completing enrollment forms in a timely manner. Employees not choosing to participate in the insurance programs during the initial offering period, must then wait until an open enrollment period to sign up for such benefits. If an employee has a qualifying event (loss of coverage, marriage, divorce, birth of a child, etc.), the employee may be eligible to change their elections during the plan year. It is the employee's responsibility to notify the Human Resources Division of such a change as soon as possible but no more than thirty (30) days from the qualify event.

### 9.2 Workers' Compensation

An employee who is absent from work as a result of any claim related to workers' compensation shall be eligible for compensation in accordance with the State law governing workers' compensation. Employees injured on the job may choose to utilize worker's compensation benefits or choose 100% of their current salary by utilizing their available accrued sick time or PTO. The employee may choose the desired option. If an employee is not working due to a work-related injury and is eligible, they will be placed on Family Medical Leave Act (FMLA) leave. Supervisors are responsible for completing the Internal Accident/Injury Report. This form should be completed no later than twenty-four (24) hours after any incident, even if medical attention is not required at that time. This form should immediately be sent to the Human Resources Division, to the attention of the Workers' Compensation

Coordinator. Supervisors should make every attempt to gather complete information about the injury as soon as possible.

The Workers' Compensation Panel of Physicians and the State Board of Workers' Compensation Bill of Rights for the Injured Worker shall be prominently displayed on departmental bulletin boards and copies of each shall be made readily available to any employee upon request. The official copy of each document is available on the City's Intranet and in hard copy form from the Human Resources Division.

When an employee has a work related injury and the physician has released them to return to work with restrictions, the City will attempt to find suitable work to meet those restrictions so the employee may return to work. Should the City have available work, the City will follow the Temporary Modified Duty Policy (See Policy 10.18). If the City is able to find suitable work, the employee should make an effort to return to work. Should the employee refuse to attempt the work offered, the compensation benefits from workers' compensation may be suspended.

### **9.3 Recreation & Parks Program Discounts**

All regular full-time employees of the City will receive a twenty-five percent (25%) discount off the regular registration fee of any program offered and controlled by the Roswell Recreation & Parks Department. This benefit is also extended to the employee's dependents and will be applied to the appropriate resident or non-resident fee.

### **9.4 Education Assistance Policy**

A regular full-time employee who has been employed by the City in a regular full-time capacity for at least twelve (12) consecutive months may be eligible for the City's Education Assistance Program.

#### **9.4.1 General Purpose**

Learning is the key to continuous improvement. It is the policy of the City of Roswell to encourage employees to pursue self-development and expand their educational credentials that support their career and performance at the City of Roswell. The City supports a learning environment and the voluntary participation of regular full-time employees in education courses outside their regular working hours to further their formal education through colleges and universities accredited by the regional education board(s).

#### **9.4.2 Eligibility**

Any full-time City employee who has been employed by the City in a regular full-time capacity for at least twelve (12) consecutive months of continuous employment on a regular, full-time basis **prior** to the beginning of the course for which educational assistance is sought may apply to participate in the program. This policy does not apply to contract, temporary or part-time employees. **Initial approval of a course of study does not obligate the City of Roswell to future/continued approval of courses in that course of study. Approvals are only valid for the course and quarter/semester given.**



#### **9.4.3 Assistance Amount**

An employee will be reimbursed a maximum of \$5250.00 each calendar year for eligible expenses that meet the reimbursement guidelines. Expenses in excess of \$5250.00 cannot be carried over to a new calendar year. The City will reimburse employee's tuition if the employee obtains an acceptable grade in a course from an approved educational institution. Employees will be limited to reimbursement of up to eight (8) credit hours or three (3) classes for each term (semester or quarter), and up to 128 credit hours towards associate, undergraduate, master's, and/or doctoral degrees during employment with the City.

#### **9.4.4 Criteria for Approval**

The course(s) for which the employee applies will ordinarily receive approval if:

- The City determines the course is related to enhancement of the employee's ability to perform his present job or one to which the City reasonably foresees the employee being assigned in the future, and
- The course is offered by educational institutions that are accredited by the Southern Association of Colleges and Schools (SACS), one of the other Regional Accrediting Agencies as listed on the U.S. Department of Education's website, or The Association to Advance Collegiate Schools of Business (AACSB) and
- The employee is in good standing and has exhibited acceptable levels of performance, and
- The course of instruction does not conflict with the employee's work schedule, and
- The employee's total course enrollment for the term of study is not likely to adversely affect his job performance.

#### **9.4.5 Reimbursement Guidelines.**

An eligible employee must:

- Complete an application for Educational Assistance Form, which is available on the City's Intranet or from the Human Resources Division, and
- Obtain written approval from his immediate supervisor and Department Head on the Educational Assistance Form, and
- Submit the application to the Human Resources Division for final approval at least two (2) weeks before course registration, and
- Pay up front for tuition. Keep all tuition receipts for reimbursement and turn in at the end of the class.
- In order to qualify for reimbursement, the employee must obtain a "C" or better in those courses issuing grades for undergraduate classes. For graduate level classes, the employee must receive a "B" or better to receive reimbursement. In the case of technical programs

that do not issue grades, the employee must demonstrate that he has received a passing grade in the course.

- Grants, scholarships or any other monetary awards not required to be paid back by the student do not qualify for reimbursement through the Education Assistance Program.
- After course completion, submit transcripts, receipts, and approved Education Assistance Request Form and all supporting documents within ninety (90) days of class completion. Forward to the Human Resources Division for reimbursement.

#### **9.4.6 Eligible Expenses:**

- Tuition will be covered up to \$5250.00 per calendar year.
- CLEP examinations are covered as long as the exam is less costly than coursework.

#### **9.4.7 Ineligible Expenses:**

- Supplies, textbooks, tools, and other equipment (calculator, computers, software, etc.) Fees to take tests such as SAT, PSAT, LSAT, GMAT, GRE, etc.
- Student Union or Activity fee
- Tutoring expense
- Finance or installment service charges
- Reinstatement or late registration penalty fees
- Course change or withdrawal fees, or fees for repeated courses that have been paid in the past
- Medical or physical exams
- Diploma or graduation fees
- Photo identification cards
- Parking Fees
- Athletic Fees
- Change of grade or transcript fees

- Any charges other than course tuition are not considered to be eligible expenses.
- Any courses, for which a grant or other scholarship has been awarded to the student, will not be eligible for reimbursement. Reimbursement will only apply to tuition that has been paid by the employee.

#### **9.4.8 Department Head Responsibilities**

Prior to requesting Education Assistance, review employee's Education Assistance Request Form and provide approval by signing the Pre-Class Approval section as appropriate. Confirm that the request meets all reimbursement guidelines and submit to Human Resources Division for approval.

#### **9.4.9 Employment Separation Agreement**

Although the City wants to promote its employees to further their education, it likewise wants to retain its employees. If an employee separates voluntarily within one year (12 months) of receiving reimbursement for any reason other than for major health problems certified by a physician or the employee voluntarily transfers/demotes to a less than full time position, he will be required to reimburse the City for all monies paid under this plan. The terms and conditions of the City's education reimbursement program in no way limit the employee's ability to seek other employment.

#### **9.4.10 Indemnity for Recovery of Costs and Attorney's Fees**

If the employee fails to fully reimburse the City what it is owed, the employee agrees that he will indemnify the City for all costs and attorney's fees associated with the collection of the amount due if the City deems it necessary to institute legal action.

#### **9.4.11 Tax Implications of Tuition Assistance**

Tuition reimbursements will be taxed according to current IRS guidelines.

### **9.5 Employee Assistance Program (EAP)**

The City of Roswell currently maintains an Employee Assistance Program (EAP) for all full time employees and their immediate household family members. The EAP can help employees with counseling, financial, legal, and elder care, etc. services. Please call the Human Resources Division or visit the City's intranet for additional information.

### **9.6 Death Benefits**

Whenever a regular full time employee dies while in the service of the City, the City will pay up to 240 hours of the employee's accrued unused sick leave to the personal representative of the estate of the deceased in addition to his accumulated Paid Time Off (PTO) and unused FLSA compensatory time. If the deceased does not have accrued sick leave available, the City will pay one (1) weeks' pay to the estate. Also see Chapter 11 – Separations, for additional information regarding death benefits.

## 9.7 Retirement Benefits

City of Roswell full-time, benefits eligible employees are eligible for retirement benefits in accordance with the City of Roswell Retirement Plans. Currently the City maintains two (2) retirement plans for covered eligible employees. The Defined Benefit Pension Plan (DB) applies to individuals employed by the City of Roswell prior to March 1, 2011. The Defined Contribution Plan (DC), consisting of a 457 Deferred Compensation Plan funded by contributions from employees and a 401a Money Purchase Plan funded by contributions from the City, applies to individuals employed by the City on or after March 1, 2011. Retirement Plan summaries and related forms and documents are available in the Human Resources Division.

City of Roswell part time employees are eligible to contribute to the City's Deferred Compensation Plan. The City does not offer contributions to part time employees' retirement plan account.

For clarification purposes, the 457 (Deferred Compensation Plan) is funded by contributions made by the employees only. The 401a (Money Purchase Plan) is made by contributions by the City only. The Defined Contribution Plan is sponsored by the City with contributions by the City (401a) and voluntary contributions by the employee (457).

## Chapter 10 - Attendance & Paid/Unpaid Leave

### 10.0 Attendance

Department Heads shall be responsible for the attendance of all persons in their departments. The Human Resources Division, in accordance with these policies, shall maintain complete attendance records.

### 10.1 Hours of Work

The City Administrator shall establish the hours of work, which insofar as practicable, shall be uniform within occupational groups, and shall be determined in accordance with the needs of the City services. Hours of work by City employees shall also take into account the reasonable needs of the public and the ability of the City to conduct business. The City of Roswell Municipal Building will be open from 8:00 a.m. until 5:00 p.m. Monday through Friday unless otherwise determined by the City Administrator. The City supports flexible work arrangements, where appropriate, for eligible employees. Please see the Flexible Work Arrangements Policy at Chapter 16.

### 10.2 Holiday Pay

The City of Roswell provides thirteen (13) official paid holidays each year. The City offices are officially closed on the following twelve (12) days:

- New Year's Day, January 1<sup>st</sup>
- Martin Luther King Day
- Presidents' Day
- Spring Holiday (observed on Good Friday)
- Memorial Day – The last Monday in May
- Independence Day, July 4<sup>th</sup>
- Labor Day - The first Monday in September
- Veterans' Day
- Thanksgiving Day
- The Friday following Thanksgiving
- Christmas Eve
- Christmas Day
- The 13<sup>th</sup> holiday is an Employee Floating Holiday – to be taken at the employee's discretion, with supervisory approval, during the calendar year in which it is accrued.

The Mayor & Council may declare other holidays at their discretion.

#### 10.2.1 Eligibility for Holiday Pay

All regular full-time and full-time Introductory Period employees of the City will receive paid leave on officially designated holidays as stated above. Part-time and temporary employees shall not receive paid leave on official holidays.

#### 10.2.2 General Rules For Holiday Pay

If a holiday falls on a Saturday, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Monday. Individual

departments may operate on alternative holiday schedules as approved by the City Administrator or his/her designee.

When New Year's Day and/or Christmas Day falls on a Tuesday or Thursday, the Mayor & Council will authorize the Monday preceding or the Friday following the regular holiday as additional holidays.

Employees required to work on an observed official holiday shall be paid at their regular hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled.

#### **10.2.3 Eligibility for Holiday Pay While on Paid Leave.**

To be eligible for paid leave on an official City holiday, it is required that regular full-time employees and Introductory Period employees be in a paid status the last scheduled work day before the holiday and the next scheduled work day after the holiday when those days fall within the same pay period as the holiday.

When a holiday falls on an employee's regular work day and that employee is on authorized sick leave, the employee will receive holiday pay and will not have that work day charged against their sick leave record. Authorized sick leave is defined as being a paid status using Sick Leave.

#### **10.2.4 Exempt Full-Time Employee Holiday Hours**

For exempt full-time employees who are assigned to work a permitted, special event on a paid holiday or a special event which falls on a three day holiday weekend, the employee will be granted 8 hours of Special PTO. This special PTO shall be in addition to any earned Special Event PTO, if applicable.

If an Exempt Employee's regularly scheduled workday falls on a paid holiday, 8 hours of Special PTO will also be granted.

### **10.3 Religious Holidays**

Except as otherwise declared by the Mayor & Council, the holidays enumerated above in this section are the only days on which employees are eligible for holiday pay. In the event that an employee desires to take leave from work to observe a religious holiday, the employee may submit a written request to his Department Head for the Department Head's review and approval. Wherever practicable, an employee should request leave at least one (1) week prior to the date of the religious holiday. Failure to give the Department Head at least one (1) weeks' notice may be grounds for denying the request. A Department Head may also deny any request for a religious holiday if the absence of the employee at the requested time would result in undue disruption of normal operations of the department.

Where the employee has accrued unused Paid Time Off (PTO) or compensatory leave time; the employee shall use that time for the requested religious holiday. As an alternative, the employee may utilize the floating holiday provided above for purposes of recognizing a religious holiday. The employee may request unpaid leave only when the employee does not have a floating holiday, accrued unused Paid Time Off (PTO), or compensatory leave time available. Every employee shall be afforded the opportunity of having leave approved by the Department Head when feasible for this purpose.

## 10.4 Paid Time Off (PTO)

### 10.4.1 Eligibility

Only full-time employees are eligible for Paid Time Off (PTO). PTO is provided for the purpose of allowing regular full-time employees time off from their work for vacation purposes or for necessary time to attend to personal business which cannot be conducted during off duty hours.

PTO shall not be accrued while an eligible, regular full-time employee is on unpaid leave, except where required by federal, state or local law. At the City's discretion, PTO may or may not accrue while an employee is on Administrative Leave. Part-time and temporary employees shall not be eligible to accrue Paid Time Off. For the purpose of determining PTO accrual rates, a reinstated employee shall be credited with the years/months/days of City employment service counted to the date of his separation.

### 10.4.2 Paid Time Off (PTO) Accrual Rate:

Accrual Table for Regular Full-time Employees

Service Years	Accrued Hours Per Service Year	Accrual Rate Per Bi-Weekly Pay Period
0-4 Yrs.	96 hours	3.7 hours
5-9 Yrs.	136 hours	5.23 hours
10 +Yrs.	176 hours	6.77 hours

Accrual Table for Fire Department 24-hour Shift Personnel

Service Years	Accrued Hours Per Service Year	Accrual Rate Per Bi-Weekly Pay Period
0-4 Yrs.	134 hours	5.18 hours
5-9 Yrs.	190 hours	7.32 hours
10 +Yrs.	246 hours	9.48 hours

Accrual rates change at the beginning of the pay period in which an employee's 5<sup>th</sup> and 10<sup>th</sup> full-time service anniversary dates fall.

### 10.4.3 Approval and Usage of Paid Time Off (PTO)

The employee shall be granted the use of Paid Time Off upon request and approval of the Department Head or designee. A Department Head or designee may deny the scheduling of PTO if the absence of the employee at the requested time would result in undue disruption of normal operations of the department.

Employees shall be responsible for submitting their Paid Time Off (PTO) request to their Department Heads for approval at least one (1) week prior to the date of PTO requested. The Director of Human Resources must approve PTO leave in excess of two (2) weeks (ten (10) business days) after consultation with the City Administrator or his/her designee. Accrued sick leave may not be submitted in place of Paid Time Off.

### 10.4.4 Incremental Use of PTO



Paid Time Off (PTO) must be charged and taken in increments of no less than one-quarter (0.25) hour.

**10.4.5 No Advancement of Paid Time Off (PTO)**

Paid Time Off will not be advanced to employees. If it is necessary for employees to be absent from work and they do not have any PTO or compensatory leave accumulated, they must request leave without pay. Nothing in this policy shall prevent the City Administrator from approving the advancement of PTO as part of a new hire recruitment.

**10.4.6 Payment for Accrued, Unused PTO**

Employees shall be paid at their regular rate of pay for all accrued and unused Paid Time Off only upon separation from employment with the City, if they have been employed for at least six (6) months in a full time position.

**10.4.7 Service Year Carryover of Paid Time Off**

Employees are encouraged to use their accrued PTO within the service year in which it is earned in order to maintain work-life balance and to allow recovery from the stresses of work. Any unused, accrued PTO in excess of hours specified below will be forfeited unless the Director of Human Resources, in consultation with the City Administrator or his/her designee, approves an additional carryover of PTO in an unforeseen emergency situation. Requests to carryover additional PTO generally must be submitted prior to the full time date of hire anniversary date.

**PTO Carryover**

Service Years	Maximum Carryover Hours for Regular Full-time Employees	Maximum Carryover Hours for Fire Department 24-hour Shift Personnel
0-4 Years	120 Hours	162 Hours
5-9 Years	160 Hours	216 Hours
10+ Years	200 Hours	270 Hours

The carryover benchmarks change with the 5<sup>th</sup> and 10<sup>th</sup> full-time service anniversary dates.

**10.4.8 Donations of PTO Hours In Lieu of Paid Sick Leave to Other Employees**

An employee may donate accrued, unused PTO hours to another full-time employee if that employee is in need of paid sick leave due to injury or illness. In order for an employee to be eligible to donate leave, they must have a total of 240 hours of combined PTO and Sick hours. Employees wanting to donate PTO to a regular full time employee should submit their donation request in writing to the Human Resources Division.

An employee who is currently under a performance improvement plan (PIP) for attendance, or who has received a written warning for attendance during the last six (6) months, is not eligible to receive PTO donations. An employee who has less than 480 hours of total paid leave (PTO, sick leave, comp time and personal holiday) at the beginning of a leave occurrence may accept donated leave to bring the total to no more than 480 hours. Employees who are in need of donations may request donations from other employees but at no time should an employee be pressured to donate leave either by another employee or a supervisor. An

employee receiving donated leave from another employee shall exhaust all accrued PTO, sick leave, comp time and personal holiday prior to receiving and utilizing donated leave. For an employee to receive donated PTO, that employee must have a documented or documentable FMLA qualifying event or documented or documentable authorized sick leave usage event. Donated PTO will be placed in the recipient's sick leave balance.

## **10.5 Sick Leave**

### **10.5.1 Eligibility**

Regular, full-time employees will be eligible for paid sick leave, payable at their regular rate of pay.

### **10.5.2 Authorized Sick Leave**

Sick leave with pay may be granted to regular full-time employees for personal illness, injury or medical appointments, or for the illness, injury or medical appointments of an employee's spouse, parent, or child, including those of a step, adopted or foster relationship.

Per the Georgia Kin Care Act (effective July 1, 2017), employees may use up to five (5) days of accrued sick leave per calendar year to care for the employee's grandparent, grandchild or any other dependents as shown on the employee's most recent tax return. This time may be used to care for these individuals in times of illness, injury or due to incapacity.

### **10.5.3 Medical Certification May Be Required To Justify Absences**

A medical certification, signed by the attending licensed healthcare provider, may be required to support a request for paid sick leave used in conjunction with PTO, or at any time when absences recur frequently or habitually. Although part-time and temporary employees are not eligible to accrue paid sick leave and must take leave without pay for all sick leave absences, they may be required by the Human Resources Division to submit a medical statement, signed by an attending licensed healthcare provider, certifying the employee was unable to work.

### **10.5.4 Accrual and Accumulation of Sick Leave**

Full-time employees shall accrue sick leave at 3.7 hours per bi-weekly pay period. Fire Department 24-hour shift personnel shall accrue sick leave at 5.0 hours per bi-weekly pay period. Sick leave shall not be accrued while a full-time employee is on leave without pay. At the City's discretion, an employee may or may not accrue Sick Leave while on Administrative Leave. Maximum sick leave accumulation shall not exceed 1,120 hours (1,512 hours for Fire Department 24-hour shift personnel) at any time. When an employee has accumulated the maximum hours of sick leave, no additional hours of such leave shall be earned until the accrued sick leave balance has fallen below 1,120 hours (or 1,512 for Fire Department 24-hour shift personnel).

### **10.5.5 Partial Conversion of Accrued Unused Sick Leave**

By December 1st of each calendar year, the Human Resources Division will notify eligible employees of the option to convert up to thirty-two (32) hours of accrued, unused sick leave to Paid Time Off (PTO). In order to be eligible for this conversion option, an employee must have a balance of not less than 272 hours of accrued sick leave at the time of the conversion option. The hours must have been accrued and does not include any hours donated to an employee. Such a balance allows a sufficient accrued balance of sick leave to retain 240 hours

of accrued sick leave after the conversion of the thirty-two (32) hours of sick leave to PTO. Converted sick leave shall not be included in any amount paid out at the time of an employee's separation. As an alternative to the conversion of sick leave to PTO, an eligible employee may elect to receive monetary compensation for the hours they would have otherwise been eligible to convert.

#### **10.5.6 Approval and Usage of Sick Leave**

Sick leave absences must be reported prior to the employee's scheduled work time if possible, and in most cases, no later than one (1) hour after the scheduled time for the employee to begin work. **(Individual departments may have additional rules regarding "call in" protocol. Employees should check with their department for an understanding of those particular procedures.)** The report should be made to the employee's supervisor. Failure to do so may be cause for denial of sick leave with pay for the period of the absence. Sick leave must be taken in no less than one-quarter (0.25) hour increments.

An employee may be required to submit a Request for Leave of Absence to the Human Resources Division if absent three (3) or more consecutive scheduled workdays. Absences of three (3) or more consecutive scheduled work days, or absences that occur on an intermittent basis, may qualify for coverage under the Family and Medical Leave Act (FMLA), as provided below in Policy 10.6. Employees and supervisors are strongly encouraged to consult with the Human Resources Division when an absence may be FMLA qualifying.

If an employee is not working due to an authorized sick leave occurrence as defined in Policy 10.5.2, they must utilize available sick leave prior to utilizing other paid leave or leave without pay. If an employee's available balance of sick leave hours has been depleted, an employee may request to use accrued PTO, compensatory leave or request a leave of absence without pay for sick leave with approval by the Department Head. However, accrued sick leave may not be substituted in place of Paid Time Off. Additionally, sick leave may not be advanced to employees at any time.

#### **10.5.7 Procedure for Requesting Sick Leave**

Any absence of three (3) or more consecutive work days may require that the employee complete the Request For Leave Form in addition to providing a written medical statement.

#### **10.5.8 Injury or Illness of Employee or Employee's Spouse, Parent, or Child**

If an employee is absent from work for more than three (3) consecutive work days, because of the injury or illness of the employee or employee's spouse, parent or child, including those of a step, adopted or foster relationship, the employee may be required to provide his supervisor or the Human Resources Division a written medical statement, signed by the attending licensed healthcare provider, within a reasonable period of time.

The employee may also be required to provide this type of medical statement where his absence is intermittent in nature and covered under FMLA in as detailed in Policy 10.6 below. The statement for the employee's own injury or illness must indicate the employee was unable to report for work and release her/him to return to work. If restrictions or limitations are placed on the employee by the healthcare provider, they should be noted on the medical statement/release. A medical statement for the illness or injury of the employee's spouse,

parent or child shall certify the employee's spouse, parent or child was ill or injured and certify that the family member needed the employee's care.

**10.5.9 No Payment for Accrued, Unused Sick Leave** - An employee whose employment with the City is terminated, either voluntarily or involuntarily, shall forfeit all accumulated and unused sick leave, with the following exception: An employee who retires from employment with the City in accordance with the appropriate City Retirement Plan will be paid for up to 240 hours of accrued unused paid sick leave upon separation of employment. This does not include disability retirements.

## **10.6 Family & Medical Leave (FMLA Policy)**

The City of Roswell will comply with the Family and Medical Leave Act of 1993 ("FMLA") in accordance with the applicable Statutes, Regulations, and Department of Labor Guidelines ("FMLA Statutes").

This FMLA policy is intended to explain the FMLA Statutes, and any terms herein used that are defined in the FMLA Statutes carry the same definitions as in the FMLA Statutes. This policy neither adds to nor subtracts from the rights and obligations under the FMLA statutes.

### **10.6.1 Eligibility**

Provided that the City employs at least fifty (50) employees within 75 miles of the requesting employee's worksite, all full time and part time employees who have been employed by the City for one (1) year (not including any period of employment preceding any break in service of at least seven (7) years) and who have worked at least 1,250 hours during the twelve-month period preceding a request for leave, are eligible for FMLA leave for the following reasons:

- the birth of the employee's child and to care for the newborn child,
- the placement with the employee of a child for adoption or foster care,
- the care for the employee's spouse, child or parent with a Serious Health Condition,
- the care of the employee's own Serious Health Condition,
- the care of a Covered Servicemember who is a spouse, child (any age), parent, or next of kin, and
- attention to matters arising from an Exigency of Deployment to Covered Active Duty of a spouse, child or parent.

### **10.6.2 Definitions**

Covered Servicemember

- a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient

status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness; or

- a veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.

#### Serious Injury or Illness

- in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

#### Next of kin

- The nearest blood relative, not including spouse, parent, son, or daughter (unless the Covered Servicemember has specifically designated in writing another blood relative for purposes of this leave) in the following order of priority:
  - Blood relatives granted legal custody of the Covered Servicemember;
  - brothers and sisters;
  - grandparents;
  - aunts and uncles; and
  - first cousins.
- Documentation may be required to establish the qualifying relationship.

#### Exigency of Deployment

- An Exigency of Deployment is a call to Covered Active Duty in which one of the following exists:
  - Short Notice deployment. Leave for up to seven (7) days may be taken if the servicemember receives seven (7) or fewer days' notice of the deployment.
  - Military events and related activities. Leave may be granted to attend official military ceremony or program or to attend family support or assistance programs and informational meetings sponsored or promoted by the military, military service organizations, or the American Red Cross, provided that all of the foregoing relate to the call to active duty.
  - Childcare and school activities. Leave to arrange, in connection with the child (including stepchildren and adopted or foster children who are under the age of

eighteen (18) or are age eighteen (18) or older and are incapable of self-care) of the servicemember, for alternative or changed childcare or schooling, to provide urgent or immediate care (as opposed to routine or regular care), or to attend meetings with school or childcare staff when the need to make such arrangements or provide such care arises from the call to active duty.

- Financial and legal arrangements. Leave to make or update financial arrangements in connection with the servicemember's absence or, during active duty status and for a period of ninety (90) days following the termination of the servicemembers' active duty status, to act as the servicemembers representative in connection with obtaining, arranging, or appealing military service benefits.
- Counseling. To attend counseling by someone other than a healthcare provider for the employee, the covered servicemember, or the child of the servicemember in connection with the call to active duty.
- Rest and recuperation. Leave for up to five (5) days in connection with each instance in which the servicemember is on short term leave for rest and recuperation.
- Post-deployment activities. Leave to attend arrival ceremonies, reintegration meetings and events, and any other official ceremony or program sponsored by the military within ninety (90) days of termination of the servicemember's active duty status or to address issues arising from the servicemember's death.
- Additional activities. Leave to address other events, which arise out of the call to active duty, provided that the City and the employee agree that such leave qualifies as an exigency and agree on the timing and length of the leave.

#### Covered Active Duty

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

#### **10.6.3 Required Use of Paid Leave**

Employees will be required to first utilize all paid leave (including sick leave, PTO, compensatory time, etc.) concurrent with FMLA leave. While employees are on FMLA leave, sick leave must be utilized first.

#### **10.6.4 Serious Health Condition**

A Serious Health Condition means an illness, injury, impairment, or physical or mental condition that results in an incapacity (i.e., the individual is unable to care for themselves or unable to perform the essential functions of the job or, if a child, unable to attend school). A Serious Health Condition must also involve one of the following:

- Hospital Care. At least one night's stay in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to the inpatient care.

- **Absence Plus Treatment.** A period of incapacity of more than three (3) consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either:
  - (1) treatment two or more times within thirty (30) days of the onset of the incapacity, provided that the first in-person visit with the healthcare provider occurs within seven (7) days of the onset of incapacity, by, or under the supervision of or pursuant to referral by a Health Care Provider, or
  - (2) treatment by a Health Care Provider on at least one occasion, provided that the first in-person visit with the healthcare provider occurs within seven (7) days of the onset of incapacity, which results in a regimen of continuing treatment under the supervision of a Health Care Provider. A regimen of continuing treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a Health Care Provider.
  
- **Pregnancy.** Any period of incapacity due to pregnancy or for prenatal care.
  
- **Chronic Condition Requiring Treatment.** A chronic condition which:
  - (1) requires periodic visits (at least twice a year) for treatment by, or under the direct supervision of, a Health Care Provider,
  - (2) continues over an extended period of time (including recurring episodes of a single underlying condition), and
  - (3) may cause episodic rather than a continuing period of incapacity (examples: asthma, diabetes, epilepsy).
  
- **Permanent/Long-term Conditions Requiring Supervision.** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The individual must be under the continuing supervision of, but need not be receiving active treatment by, a Health Care Provider (examples: Alzheimer's, a severe stroke, or the terminal stages of a disease).
  
- Any period of absence to receive multiple treatments (including any necessary recovery period) by a Health Care Provider or by a provider of health care services under orders of, or on referral by, a Health Care Provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

#### **10.6.5 Notice Required of Employee**

When use of FMLA leave is foreseeable, an employee must provide thirty (30) days advance notice to her/his supervisor or the Human Resources Division. If the employee becomes aware of the need for leave less than thirty (30) days in advance, notice must be provided as soon as practicable. If an employee fails to provide thirty (30) days advance notice, and it is determined that use of FMLA leave was reasonably foreseeable, then FMLA leave may be denied until thirty (30) days have elapsed from the date notice was given or should have been

given. If additional FMLA leave is needed for qualifying reason previously approved, the employee should specifically refer to that reason or specifically request FMLA leave.

When scheduling medical treatment, the employee should consult with the immediate supervisor and Department Head regarding the schedule so as to minimize undue disruption caused by the employee's absence(s).

If a leave request in connection with an Exigency of Deployment is not accompanied by a copy of the military orders or other acceptable military documentation, such documentation will be requested in connection with the first request for leave for each deployment.

#### **10.6.6 Medical Certification**

If an employee is taking FMLA leave, the leave request should be accompanied by a medical certification of the need for leave on a form approved by the City. If the leave request does not include a medical certification, the Human Resources Division will request, in writing, that the employee provide medical certification to Human Resources on or before the later of:

- fifteen (15) calendar days after the written request from Human Resources for the certification, or
- the commencement of the leave.

Failure to submit the certification may result in denial of FMLA leave or delay of the leave until the certification is submitted. Additional medical opinions may be obtained by the City at its option and will be binding in accordance with the FMLA statutes.

The City requires that the employee provide subsequent medical certifications on the approved form. Generally, the re-certifications will be required no more often than every thirty (30) days. However, recertification may be required more or less frequently in accordance with the FMLA Statutes.

#### **10.6.7 Medical Benefits**

The City will continue all health care benefits for the duration of FMLA leave, provided the employee pays the employee's portion of the health care benefit premiums.

Any employee on FMLA leave will be required to continue to pay health care benefit premiums during the time the employee is on FMLA leave, by submitting to Human Resources at the beginning of each month an amount equal to the monthly premiums that would have been deducted from the employee's pay were the employee not on FMLA leave. The City may cancel all health care benefits if the employee's premium payment is more than thirty (30) days late if the City has provided fifteen (15) days' written notice to the employee prior to cancellation. The City will continue health benefits during these thirty (30) days. In all cases, at the point of FMLA leave exhaustion, the entire premium (including the portion ordinarily paid by the City) for the employee's medical benefit will be subject to COBRA and/or direct billing, as applicable.

If an employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, the City will be entitled under certain circumstances to recover the health care benefit premiums paid by the City during the period of unpaid FMLA leave. An employee



must return to work for a minimum of thirty (30) days in order to qualify as "returning to work."

#### **10.6.8 Leave Entitlement**

- Eligible employees are entitled to take up to twelve (12) weeks of FMLA leave during a rolling twelve-month period measured backward from the date an employee uses any FMLA leave. An employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of the twelve-month period beginning on the date of the birth or placement. Spouses who are both employed by the City are limited to a combined total of twelve (12) weeks of leave during any twelve-month period if the leave is taken for the birth of the employee's child or the placement of a child with the employee for adoption or foster care.
- An eligible employee is entitled to twenty-six (26) weeks of Covered Servicemember Leave on a per Covered Servicemember per injury/ illness basis, provided that no more than 26 weeks of FMLA leave for any reason (although no more than twelve (12) weeks may be taken for a qualifying reason other than Servicemember Leave) may be taken during a single 12-month period as measured from the start of each such period of Covered Servicemember Leave. If both spouses intend to care for a Covered Servicemember and are both employed by the City, they are limited to a combined total of twenty-six (26) weeks of leave if the leave is in connection with Covered Servicemember Leave and is limited as set forth in Policy 10.6.2, above.

#### **10.6.9 Reinstatement**

On return from FMLA leave, the employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the employee is able to perform the essential functions of the position. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

#### **10.6.10 Return to Work Certification**

An employee with a Serious Health Condition who has been out on FMLA leave must provide certification that the employee is fit to return to work. The employee will be provided with a list of the essential functions of his/her job with the City's response to a request for FMLA leave. For certain positions, an employee on intermittent leave may be required to submit a fitness-for-duty certification every thirty (30) days due to safety concerns. The employer may delay restoration until the certification is provided.

#### **10.6.11 Intermittent and Reduced Schedule Leave**

FMLA leave for the Serious Medical Condition of the employee or a family member, for an Exigency of Deployment, or Covered Servicemember, may be taken in increments or result in a reduced schedule of work, provided (except in the case of an Exigency of Deployment) the need for intermittent/reduced-schedule leave is certified by the Health Care Provider on the approved medical certification form.

If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as

not to disrupt unduly the employer's operations. In addition, if an employee takes intermittent or reduced-schedule leave, the City has the right to assign the employee to an alternative position with equivalent pay and benefits if the alternative position better accommodates the need for such leave. Regardless of the manner in which any *paid* leave is taken by an employee pursuant to City policies, leave may not be deducted from an employee's "bank" of FMLA leave in increments of time that are less than one-quarter (0.25) hour.

#### **10.6.12 Termination of Employment**

Unless otherwise required by law, the City will normally terminate employment if the employee does not return to work after the maximum amount of FMLA leave has been taken. However, employees may also be eligible for continued employment, after the point of FMLA leave exhaustion, based on performance and staffing needs as determined by the Department Head.

#### **10.6.13 Key Employees**

At the time FMLA leave is requested, the City will designate an employee as a "key employee" if that employee is among the highest paid ten percent (10%) of City employees at the time the FMLA leave is requested.

- The key employee will be given a written notice at the time FMLA leave is requested, or as soon as practicable thereafter, that the employee qualifies as a key employee. In addition to informing the employee that he/she qualifies as a key employee, the City will also inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits.
- When the City makes a determination that substantial and grievous economic injury to its operations will result if a key employee who has requested or is using FMLA leave is reinstated, the City will notify the employee as soon as practicable in writing of its determination, stating that it intends to deny restoration to employment on completion of the FMLA leave (Notice of Intent). This Notice of Intent will explain the basis for the City's determination and will provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.
- If an employee does not return to work in response to the Notice of Intent, the employee will continue to be entitled to maintenance of health benefits during the remainder of the FMLA leave and the City will not recover its cost of health premiums.
- After the Notice of Intent is given to the employee, the employee will remain entitled to request reinstatement at the end of the leave period. The City will then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time.
- Any written notices given to a key employee must be either sent by certified mail or given in person.

### **10.7 Jury Duty Leave**

Any regular full-time employee who is summoned by any Federal, State or local court to serve as a juror on a workday shall be placed on paid leave at his regular daily compensation and will be compensated for the number of hours he would have been normally scheduled to work on that day. Part time and temporary employees shall be eligible for leave of absence without pay for jury duty. A regular full-time employee shall be entitled to paid leave, without loss or without effect of performance rating during this time. The employee will be granted leave only for time actually spent performing jury duty. If the employee is excused from duty before the end of the workday, they should report to work for the remainder of the day.

For jury service of five (5) or less days, the employee may retain any jury fees received. After five (5) days on paid jury leave, an employee must endorse all jury fees received from the Court over to the City. When an employee receives notice of jury duty, the employee should present the notice to his supervisor as early as possible so as to facilitate scheduling. Failure to provide ample notice to the employee's supervisor may result in disciplinary action. In order to receive jury duty pay, the employee must present a court statement for jury service to his supervisor.

## **10.8 Legal Proceeding Leave**

**Job-related Participation** - An employee required to testify, meet with the City's attorneys, or give a deposition on behalf of the City or because of conduct arising out of and in the course of employment with the City in response to a legally valid subpoena or as a result of a request by the City's attorney, shall be paid at his regular daily rate for all hours required for this participation.

If the required participation is immediately before or immediately after the employee's regular workday, the employee will be paid for the actual time spent participating in the legal proceeding outside of the employee's regular workday. If any participation in a legal proceeding occurs during the employee's off duty hours, the employee will be paid for either the actual time spent participating in the legal proceeding; or two (2) hours credited to his regular work period, whichever is greater.

**Non-job related Participation** - Employees who are issued a subpoena or summons to participate in a non-job related legal proceeding will be granted leave, but no paid work time will be authorized for such absences. Paid Time Off (PTO), compensatory time, or leave without pay must be used for such circumstances. When an employee receives notice of a requirement to participate in a legal proceeding, the employee should present the subpoena, summons or other written notice to his supervisor as early as possible so as to facilitate scheduling. Failure to provide reasonable notice to the employee's supervisor may result in disciplinary action. Employees who are released from participation in a legal proceeding before the end of their regularly scheduled workday should report back to work.

## **10.9 Bereavement Leave**

Full-time employees will be paid for up to three (3) consecutive work days at the employee's regular rate of pay for bereavement leave in the event of a death in the employee's immediate family. Immediate family includes parents, children, spouse, grandparents, mother-in-law, father-in-law, brother or sister to include of a step relationship. The Department Head may approve a longer absence for extenuating circumstances, but any additional time taken must be charged to accumulated

Paid Time Off, compensatory leave or leave without pay. The employee should inform his supervisor of the need for bereavement leave as soon as possible under the circumstances. Part time and temporary employees may take up to three (3) days of leave without pay for bereavement leave, unless additional leave without pay is authorized by the Department Head in extenuating circumstances.

#### **10.10 Educational Leave**

At the discretion of the City, a regular full-time employee may obtain a leave of absence for a period not to exceed three (3) calendar months. This request must be approved by the supervising Department Head, the Director of Human Resources, and the City Administrator or his/her designee to permit an employee to take courses of study which will better equip him to perform his duties.

The employee must write a formal request to the Department Head describing the course of study requested, the dates of the intended leave and the reasons the leave will better equip him to perform his job duties.

The employee must utilize all available paid leave (PTO, compensatory time, etc.) prior to utilizing unpaid leave for an Educational Leave. Any available paid leave options will run concurrently with an Educational Leave until exhausted.

#### **10.11 Civic Engagement/Volunteerism Leave**

The purpose of this policy is to provide leave with pay for employees participating in volunteer activities and civic engagement programs that support and enhance the community in Roswell, and that positively impact the issues affecting quality of life for our citizens.

A full-time employee may take the equivalent of three (3) work days, up to a maximum of twenty-four (24) hours, each calendar year for participation in these activities. This time is refreshed on January 1 of each calendar year, and does not accumulate or carry forward to successive years.

An employee wishing to utilize civic engagement/volunteerism leave must submit a completed Civic Engagement/Volunteerism Request Form to their immediate supervisor, through the chain of command within the department, and to the Director of Human Resources, not less than one (1) week prior to the first date of the requested time off. The Request Form must include the signature of a leader or supervisor associated with the organization to be served, indicating their support of the employee's request to serve within the parameters of this policy. Approval authority for any such requests rests with the requesting employee's immediate supervisor and Department Head.

To be considered for approval, a request for Civic Engagement/Volunteerism Leave must meet the following criteria:

- The service provided must be in support of, and be supervised by, a legitimate, bona fide non-profit organization;
- The service must be unpaid, and the employee may not receive compensation of any kind for their service;
- Civic Engagement/Volunteerism Leave may not be used to support any organization that discriminates against any individual on the basis of race, national origin, creed, sex, religion, age, disability, or any other characteristic protected by law;

- Such leave may not be used for proselytizing or advocating for any specific religious message or membership, and may not be used to support political parties, campaigns or candidates;
- The event supported or service provided must benefit the Roswell community and must occur within the city limits of Roswell; and
- City equipment may not be used in support of any activity under this policy.

The City reserves the right to review and reject any request for Civic Engagement/Volunteerism Leave, including any such request in which employee service would conflict with the mission, values, policies or guidelines of the City. The City may also revoke any approval of Civic Engagement/Volunteerism Leave at any time, for any reason, or for no reason at all.

## **10.12 Voting Leave**

The City of Roswell encourages all employees to vote. Voting leave for up to two (2) hours for the purpose of voting in local, state or national elections may be granted to regular full-time employees. This leave is at the discretion of the Department Head when the scheduled work hours of the employee would otherwise prevent the employee from access to his polling place during the hours when the polls are open. An employee needing Voting Leave should notify his supervisor of the need for leave at least one (1) week in advance to facilitate department scheduling.

## **10.13 Military Leave**

### **10.13.1 General**

The City complies with and strongly supports the provisions contained in the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA or “the Act”) and O.C.G.A. § 38-2-279 in the hiring and re-employment of individuals serving in the military.

The City’s Military Leave and Re-employment Policy is meant to highlight important provisions in state and federal laws regarding military leave, and is not meant to be inclusive of all laws and regulations regarding military leave. Individuals who must be absent from work due to military service are strongly encouraged to contact the Human Resources Division to ensure their eligibility for military leave and re-employment, and the rights and benefits to which they are entitled.

### **10.13.2 Eligibility**

Any covered employee who is a voluntary or involuntary member of the National Guard or any organized military reserve force or component of the United States armed forces, pursuant to O.C.G.A. 38-2-279, will be allowed leave of absence with pay not to exceed a total of eighteen (18) days paid leave per federal fiscal year (October 1 – September 30) for any and all periods of absence, as required by the statute.

The period of paid military leave will begin on the date specified in the Orders and extend until the final date of ordered duty or for eighteen (18) workdays whichever period is shorter. The employee shall request military leave on the Request for Leave Form and submit a copy of their official duty papers to their Department Head who will forward a copy of the employee's official Orders to the Director of Human Resources. This policy shall not apply to

temporary employees. During the eighteen (18) days of paid leave, health benefits will continue, PTO and Sick Leave will continue to accrue for full time employees.

“Service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

- Active duty
- Active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absence from work for an examination to determine a person’s fitness for any of the above types of duty
- Funeral honors duty performed by National Guard or reserve members.
- Duty performed by intermittent disaster response personnel for the Public Health Service and approved training to prepare for such service.

Re-employment rights extend to persons who have been absent from a position of employment because of “service in the uniformed services.” An individual may be deemed ineligible for re-employment rights if the individual is separated from military service under other than honorable conditions, as described in Section 4304 of the Act.

### **10.13.3 Notice Required**

An employee who will need to be absent from work because of an obligation to serve in the uniformed services must give advance notice to the City, unless the giving of notice is impossible, unreasonable or military necessity prevents the giving of notice.

### **10.13.4 Length of Leave**

Generally, the cumulative length of service that causes an employee’s absences from a position may not exceed five (5) years. If one of the eight (8) recognized exceptions to the maximum length of leave as listed in Section 4312(c) of USERRA applies, the employee’s absence may exceed five (5) years. Employees are advised to contact the Human Resources Division to determine in advance whether their leave(s) will be subject to the five (5) year limit with each employer for whom he works.

### **10.13.5 Pay and Benefits During Military Absence**

An employee on a military leave of absence is entitled to all rights and benefits provided to other employees leaves of absence.

Under Georgia law, eligible public employees are entitled to their regular compensation while engaged in the performance of ordered military duty and while going to and returning from such duty, for a maximum of eighteen (18) days in any one federal fiscal year (October 1 – September 30). In the event the Governor of Georgia declares an emergency and orders an eligible public employee to state active duty as a member of the National Guard, such employee is entitled to thirty (30) days’ pay in any one federal fiscal year. An employee may

elect to use any accrued Paid Time Off (PTO) leave during military absence. An employee is not required to use PTO leave during a military absence, however.

In the event that the Governor declares an emergency, a covered employee called to State active duty as a member of the National Guard, shall inform their supervisor or Department Head immediately and shall be placed on leave of absence with pay for a period of up to thirty (30) workdays in any one (1) calendar year or continuous period of active duty service.

#### **10.13.6 Pension Benefits**

The City will further comply with the requirements of O.C.G.A. § 38-2-279(f) regarding rights and contributions under retirement systems. Under federal law, an employee is entitled to seniority as if the employee were continuously employed during the time of service. Military service counts as service for purposes of vesting and accrual of benefits. Military service will not be counted as a break in service for purposes of employee pension benefit plans.

#### **10.13.7 Health Coverage**

An employee may elect to continue health insurance coverage during service, for a maximum of twenty-four (24) months, beginning on the date on which the person's absence begins or the day after the date which he fails to apply for/return to a position of employment, whichever is less. The employee may be required to pay the full cost of the premium plus a 2% COBRA Administration fee during this coverage period, except that, in the case of an employee who is on military leave for less than thirty-one (31) days, such employee will not be required to pay more than the complete share, if any, for such coverage. A waiting period may not be imposed upon reemployment if one would not have been imposed had coverage not been terminated because of military service. However, an exclusion or waiting period may be imposed for coverage of any illness or injury determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, the performance of active military service.

#### **10.13.8 Procedure for Reporting Back to Work**

Upon completing the period of service in the uniformed services, an eligible individual must report back to work within the required time period or will be subject to the City's conduct rules pertaining to an absence from scheduled work. The required time period to report back to work depends on the length of service, as indicated below:

- Service of 1 to 30 days: The individual must report to the City by the beginning of the first full regularly scheduled work day that would fall eight (8) hours after a period allowing for safe transportation from the place of service to the employee's home.
- Service of 31 to 180 days: The individual must submit an application for re-employment, either verbal or written, within fourteen (14) days of completing service. If this is impossible or unreasonable, through no fault of the employee, he must submit the application no later than the next full calendar day it becomes possible to do so.
- Service of more than 180 days: The individual must submit an application for re-employment, either verbal or written, within ninety (90) days of completing service.

Please contact the Human Resources Division for information regarding reporting back to work if the individual is hospitalized due to injury sustained during service.

#### **10.13.9 Consequences for Reporting Back to Work Late**

If an employee is late returning to work, the employee will be subject to the City's general rules and disciplinary measures regarding absences from work. A late return does not, however, automatically forfeit the employee's right to re-employment.

#### **10.13.10 Re-employment Rights**

Regular employees (full and part time) who leave employment with the City to perform active duty for military service with the United States are entitled to re-employment rights with the City in accordance with the Federal laws governing re-employment rights. Such employees are entitled to reinstatement if:

- They reapply for employment in a timely manner;
- They satisfactorily completed their military service;
- They are able to perform the essential duties of their job; and
- Circumstances have not changed so much that reinstatement would be impossible or unreasonable.

Period of service less than 90 days: Employee will be placed in the position the employee would have attained with reasonable certainty had employment not been interrupted for military service, provided that employee is qualified for that position. If the employee is not qualified, the City will make reasonable efforts to qualify the employee for the position. If the employee remains unqualified for the position after reasonable efforts to qualify him/her, the employee may be reinstated in the position held when military leave began.

On return, they are eligible for appointment to the position they would have attained with reasonable certainty had they not been absent from work for military service. If the position does not exist, the City will place the employee in another position in order of priority, depending on length of service, whether the employee is disabled, and the employee's qualifications. They are protected from termination, except for cause, for one (1) year after re-employment and are reinstated with the same seniority status and pay they would have received if they had not been inducted into military service. For purposes of determining the pay, merit increases including step raises, will not be given while the employee is on military leave.

Period of service more than 90 days: Employee must be placed in the position employee would have been in or in a position of like seniority, status, and pay. If the employee is unqualified for such a position and cannot become qualified through reasonable efforts of the employer, the employee may be returned to the position held when military leave began, or a position with similar seniority, status and pay to such position.

Please contact the Human Resources Division if the employee returning from service has been disabled during military service, rendering him/her unqualified for his/her former position.



If an employee elects to serve on active duty or desires to further his military training, the City of Roswell shall continue to offer up to eighteen (18) days of paid leave per federal fiscal year (October 1 – September 30) for military duty or military training. In addition, over the employee's life time the City shall allow up to an accumulation of five (5) years leave, including paid leave and leave without pay. This may be taken consecutively or intermittently. During the leave without pay, an employee will be offered the ability to continue health insurance at his expense. While on leave without pay, the employee will not continue to accrue Paid Time Off (PTO) or sick leave. An employee may choose to take all or a portion of his accrued leave (PTO or Compensatory) toward leave without pay, but cannot be required to do so. This policy shall not apply to part-time or temporary employees.

## **10.14 Leave Without Pay**

**10.14.1 Authorized Leave Without Pay** - Except where expressly stated in this Manual, an unpaid leave from work shall not exceed six (6) consecutive months, except where federal, state or local law requires that additional time be provided. Regardless of the provisions of this section, leave taken pursuant to the federal Family and Medical Leave Act (FMLA) shall generally not exceed the amount of time permitted pursuant to the City's Family and Medical Leave Act Policy as previously stated. A leave of absence without pay may be approved by the Department Head for up to nine (9) consecutive work days. If an employee requests a leave of absence without pay for ten (10) consecutive workdays up to six (6) consecutive months, it may be granted if recommended by the Department Head and with the approval of the Director of Human Resources and City Administrator. The maximum leave without pay, which may be approved, is six (6) consecutive months. All paid leave options must be exhausted prior to requesting a Leave Without Pay.

**10.14.2 Eligibility** - All full-time and part-time employees, whether regular or temporary, may be eligible for unpaid leaves from work.

**10.14.3 Criteria For Granting Leave** - Approval of a leave of absence shall be determined by giving due consideration to the length of the requested leave of absence, the impact of such leave on the organization and the Department's plans to continue the work performed by that employee in his/her absence.

**10.14.4 Failure to Return From Unpaid Leave** - If the employee is unable to return to work at the end of the approved leave of absence or fails to return to work at the end of such approved leave of absence, then the City shall deem the employee to have resigned his employment with the City. Employees failing to return to work without notice to the City will not be considered as resigning in "good standing".

## **10.15 Unauthorized Leave of Absence**

Any regular employee who is absent three (3) consecutive full workdays without authorized leave shall be considered to have quit. Any employee in the Fire Department or Police Department who absents himself for three (3) consecutive shifts without authorized leave shall be determined to have quit working for the City. Such action may be recalled by a subsequent grant of leave, if the conditions warrant. The Department Head and the Director of Human Resources must approve whether or not conditions warrant the subsequent grant of leave.

## **10.16 Leave Records**

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

## **10.17 Time Sheets**

Each Department will maintain standard weekly time sheets. The time sheets will be turned into the Human Resources Division on the Monday morning preceding the issuance of payroll checks. Overtime earned and leave taken must be documented on appropriate leave and attendance forms and turned in with time sheets each week.

## **10.18 Temporary Modified Duty Policy**

To establish policies and procedures for temporary modified duties for employees which will allow the employee an opportunity to regain the physical, mental, or legal fitness necessary for the performance of the essential functions of the position to which they are assigned.

**10.18.1 Policy** - Employees who are able to perform the essential functions of their position are essential to the City of Roswell in fulfilling its duty to the citizens of operating in an efficient, orderly, safe and fiscally sound manner. There may be times when an employee is temporarily physically or mentally unable to perform the essential functions of their position. The City of Roswell, at its sole discretion, may allow employees to retain their employment status while temporarily serving in positions with modified job duties. Temporary modified duties assignments will only be made if a position is available and the employee is able to perform the essential functions of that position.

### **10.18.2 Procedures**

- Mental / Physical Fitness for Duty
  - Except as specified in this policy, all employees must be willing and able to perform all the essential functions of their position, with or without reasonable accommodation, at any time while on duty.
  
  - When the City of Roswell has reasonable cause to believe that an employee is unable to perform all of the essential functions of their assigned position, the City may require an examination to determine the physical and/or mental fitness for duty of any employee.
  
- Temporary Modified Duties Assignments
  - To allow an employee an opportunity to regain the physical, mental, or legal fitness necessary to perform the essential functions of their position, modified duties assignments may be approved for a definite period of time that shall not exceed thirteen (13) weeks within a three (3) year period. Any extensions beyond thirteen (13) weeks must be approved by the City Administrator or his/her designee and in no case shall the

total time in the modified duties assignment exceed twenty-six (26) weeks within a three (3) year period.

- The employee's assigned modified duties should be the same or similar to his regular work and performed within the same work division (where the worker was employed prior to the injury / illness). However, if this is not feasible, other alternatives should be considered using the following guidelines for modified duties assignments:
  - Focus on unique skills and abilities of the employee;
  - Consider duties outside of the employee's regular work;
  - Explore opportunities for completing needed training or other on-the-job learning experiences, which enhance the skills of the employee;
  - Provide temporary assignment of the employee to special projects which need to be completed.
  
- While the employee is working in a temporary modified duties assignment, the City reserves the right to require periodic status updates, from a qualified healthcare provider regarding the employee's continued need for modified job duties. The employee is required to provide this documentation in a timely manner.
  
- During the temporary modified duties assignment, the City retains the right to change the nature of the assignment including, but not limited to, the location, supervisor, and work hours of the assignment. The City also retains the right to end the temporary modified duties assignment at any time.
  
- Following a temporary modified duties assignment, and prior to returning to regular full duty assignment, an employee must provide a statement from their qualified healthcare provider(s) that the employee is able to perform all of the essential functions, with or without reasonable accommodation, of their regular assigned position. The City may require additional examination by a qualified healthcare provider designated by the City to determine physical and/or mental fitness for return to full duty. The decision to return an employee to full duty is within the discretion of the City. An inability to return to full duty may result in termination of employment.
  
- Procedures for Requesting a Temporary Modified Duties Assignment
  - Requests for a temporary modified duties assignment shall be made in writing, using the "Request for Temporary Modified Duties Assignment" form, and submitted to Human Resources. Requests shall be submitted with copies of supporting medical / psychological certifications with a clear statement from the qualified treating healthcare provider that the employee is unable to perform one or more of the essential functions of their assigned position. The statement of the treating healthcare provider must specify which duty or duties the employee cannot perform and the anticipated duration of the limitation(s).
  
  - The City may require additional documentation in support of the modified duties request and may require independent examination by a qualified healthcare provider to determine physical and/or mental fitness for duty of any employee making the request.

- After consultation with the Director of Human Resources, a Department Head has the authority to approve or disapprove requests for modified duties.
- A response to a request for a modified duties assignment shall be made in writing, using the “Temporary Modified Duties Assignment Designation Notice”.
  - Temporary modified duties assignments, when approved, shall be made based on the duration that the treating healthcare provider indicates is needed, for a maximum of thirteen (13) weeks, or for the duration which work is available. During this time, the employee shall be paid their regular rate of pay for time worked.
  - If an employee is unable to return to their regular duty, with or without reasonable accommodation, at the end of the thirteen (13) weeks, an employee may request up to an additional thirteen (13) weeks of modified duty using the appropriate form with the City Administrator’s approval or denial. If this additional time is granted, it shall be paid at the pay grade at which the employee is performing their modified duties. The compensation change shall follow the City’s Classification and Compensation Plan Policy (Chapter 5 – Classification and Compensation Plan Policy).
- Nothing in this policy creates a right or entitlement for an employee to a modified job duty assignment. The City’s decision, at its sole discretion, to approve or disapprove any request for modified job duties is final.

## **10.19 City Event Paid Time Off (PTO) Policy**

### **10.19.1 Purpose**

The City Event Paid Time Off (PTO) Policy supports the Roswell strategic goal of Good Governance by attracting, motivating, and developing a high-quality engaged and productive workforce. This policy also supports the strategic goal of Access to Cultural, Historical, Recreational and Leisure Opportunities by collaboratively offering a variety of viable and responsive recreational programs, events, and leisure opportunities of all ages.

### **10.19.2 Policy**

The intent of this policy is to provide additional value to full time City employees who work during City Events. The policy applies to all City Events worked outside the normal business schedule of the employee. A regular full time employee working a City Event outside their normal working hours will receive in addition to their regular pay, four (4) hours of Special Earned Paid Time Off (PTO) to be placed in their individual Special PTO balance.

Any regular full time employee that works a City Event outside their normal business hours for a minimum of two (2) hours will receive the City Event PTO incentive. The Special Earned PTO does not include employees who are participants in the program/event. Special Earned PTO may be used as other PTO is utilized at the City. When an employee leaves employment with the City, Special Earned PTO is not paid out at termination.

### **10.19.3 Scope**

This policy applies to all regular full time City employees. Once the event is complete and the employee works a minimum of two (2) hours outside their normal business hours, the employee will report their participation to their Department Head or his/her designee. The Department Head or his/her designee will approve and forward a list of their department employees to the Human Resources Division. The Human Resources Division will ensure the additional four (4) hours Special Earned PTO is added to the employees' individual account balances.

### **10.19.4 Definitions**

- Employee – Any regular full time employee who accrues regular Paid Time Off (PTO) hours
- City Event – Any event produced and managed by the City of Roswell for the benefits of the citizens or community. Examples include but are not limited to: Alive in Roswell, 4<sup>th</sup> of July Celebration, Music on the Hill and Youth Day Parade.
- Normal Business Hours – The normal and customary scheduled hours and employee works. The scheduled is based solely on the discretion of the Department Head. Flex time may be considered as normal business hours.

### **10.19.5 Procedures**

- The full time employee will be assigned to work the City Events outside of their normal business hours. The employee will work at a minimum of two (2) hours at the event.
- The Department Head or his/her designee will create a list of the regular full time employees who worked at the City Event for at least two (2) hours. The Department Head or his/her designee will forward this list to the Human Resources Division.
- The Human Resources Division will apply four (4) hours of Special Earned PTO to the account balance of each regular full time employee who worked a minimum of two (2) hours outside of their normal working hours at the City Event.

## **10.20 Administrative Leave**

There may be occasions where it is in the best interest of the City and/or the employee for the employee to not be in the work environment or performing work but remaining in an active status. During an administrative leave, an employee will not actually perform work on the part of the City. Administrative Leave may be paid or unpaid at the City's discretion. An employee may or may not accrue leave while on Administrative Leave at the City's discretion. Administrative Leave is not a benefit or a right of an employee and may be used at the sole discretion of the City

### **10.20.1 Reasons for Administrative Leave**

An employee may be placed on Administrative Leave for the following reasons but this is not an exhaustive list:

- During the course of an internal investigation in which it is in the best interest of the City and/or the employee to remove him from the work environment in order to conduct the investigation;

- When the employee potentially poses a danger to themselves, other employees or the public and the safest course of action at the time is to remove the employee from the work environment, as determined by the Department Head or his designee;
- When conditions in the work environment are such that it is in the best interest of the City and/or the employee to remove them from the work environment; or
- When conditions in the general public are such that is deemed unsafe for employees to be at work;

#### **10.20.2 Procedures for Placing an Employee on Administrative Leave**

When the City Administrator or his/her designee determines it is in the best interest of the City and/or the employee to place an employee on Administrative Leave, the employee will immediately be notified prior to the leave beginning. In the case of an individual employee being placed on Administrative Leave, the employee will generally receive an Administrative Leave notice in writing informing them of the leave. If the Administrative Leave is for a division, department or larger group of employees, they will be notified verbally at the beginning of the leave.

When it is determined an individual employee needs to be placed on Administrative Leave, the Department Head or his designee should consult with Human Resources, if at all possible, prior to placing the employee on Administrative Leave. The Human Resources Division will assist in preparing the Administrative Leave notice for the employee. If an emergency arises and the Department Head or his designee is unable to consult with Human Resources prior to placing the employee on Administrative Leave, he should contact Human Resources as soon as practicable.

While an employee is on Administrative Leave, they are not permitted to perform any work on behalf of the City unless instructed by their Department Head or his designee. Any work performed during this time must be compensated as hours worked for payroll purposes.

When an individual employee is returned from Administrative Leave, a Return to Duty Notice will be presented to the employee to sign indicating when they have been asked to return to work. This notice may be prepared by the Human Resources Division and should be presented to the employee immediately upon their return to work. If a division, department or large group of employees return from Administrative Leave an individual notice to each employee is not necessary.

## **Chapter 11 - Separation**

### **11.0 Separation**

Separation of employees from the City of Roswell shall be designated as one of the following and shall be accomplished in the manner indicated: Resignation, compulsory resignation, loss of job requirements, reduction in force, disability, death, retirement and termination.

#### **11.1 City of Roswell Property**

At the time of separation and prior to final payment, all records, assets and other items of City property in the employee's custody shall be transferred to his/her Department Head or his designee. Any amount due because of the shortage in the above shall be withheld from the employee's final compensation as permissible by Federal and State law. In the case of a Department Head separating, the accounting shall be to the City Administrator or his/her designee. All accountings must be forwarded to the Director of Human Resources prior to final payment. The Department Head/City Administrator will determine the value of the materials.

#### **11.2 Payment to Separated Employees**

Employees who separate shall receive payment for all earned salary minus any payments due for City property not returned. Those employees shall also receive payment for all accrued Paid Time Off (PTO) as permissible by policy and FLSA compensatory time, subject to the deductions for any other outstanding indebtedness of the employee to the City for any reason. Upon the separation of an employee, all unused sick leave shall be forfeited with the exception of a retiring or deceased employee who may receive up to 240 hours of payment for accrued sick leave.

#### **11.3 Resignation**

##### **11.3.1 Resignation Defined**

A resignation is a voluntary separation by an employee from employment with the City. The resignation shall not be effective on a holiday. In no event shall the effective date of any separation be extended by the use of Paid Time Off (PTO).

##### **11.3.2 Procedure**

To resign in good standing, an employee shall provide the City with at least ten (10) working days' notice prior to the effective date of the employee's resignation. The Department Head or his designee shall immediately notify the Human Resources Division of the resignation and forward the resignation to the Human Resources Division within one (1) regular business day of receipt. The Department Head or his designee shall also submit an evaluation of the employee, information needed to complete the employee's records and information as to why the employee has resigned including all necessary termination forms. At the discretion of the City Administrator or his/her designee, the City may accept the resignation effective any date between the date the notice is received and the date indicated by the employee to be their last day. If the date is not the date the employee indicated on their written resignation, the employee will be informed as soon as practicable of what their last day of employment will be.

### **11.3.3 Eligibility for Reinstatement or Rehire**

Unless the City Administrator or his/her designee waives the ten-day (10) notice requirement due to exceptional circumstances surrounding the employee's resignation, as described in Section 11.3.2, the employee shall not be eligible for reinstatement or rehire. A designation of this status shall be entered into the personnel file of the employee.

### **11.3.4 Use of PTO hours upon Notice of Separation**

When an employee submits their notice of resignation, PTO, Special PTO or Comp hours Are not to be used during the last two weeks of employment. Sick hours will be approved at The supervisor's discretion.

## **11.4 Job Abandonment/Compulsory Resignation**

### **11.4.1 Job Abandonment Defined**

Any employee who without valid reason fails to report to work for three (3) consecutive workdays without authorized leave will be deemed to have voluntarily resigned his employment with the City and shall be separated from the City. It is the employee's responsibility to keep his address and telephone number current in the Human Resources Division.

### **11.4.2 Eligibility for Reinstatement or Rehire**

Unless there are exceptional circumstances surrounding the employee's failure to report to work for three (3) or more consecutive days without authorized leave, the employee shall not be eligible for reinstatement or rehire. A designation of this status shall be entered into the personnel file of the employee.

## **11.5 Retirement**

Retirements will be processed pursuant to the relevant City of Roswell Retirement Plan. A summary of the Retirement Plans may be found on the City's Intranet or in hard copy form from the Human Resources Division.

## **11.6 Death**

When any regular full time employee dies while in the service of the City of Roswell, all compensation due will be paid to the legal representative of the employee's estate or any other properly designated individual. In addition, the City of Roswell will pay up to 240 hours of the employee's accrued unused sick leave. If an employee does not have any accrued unused sick leave available, one (1) week's pay will be paid. These payments will be made in addition to his/her accumulated Paid Time Off (PTO), FLSA compensatory time, and regular pay due.

## **11.7 Reduction In Force**

### **11.7.1 General**

The City Administrator, subject to approval by the Mayor & Council, may effectuate a reduction in force for business reasons.

### **11.7.2 Compensation**



When a regular full time employee is designated for a layoff due to a reduction in force, the City shall pay the employee one (1) week of severance pay for each year of service, up to a maximum of twelve (12) weeks of severance pay, with a minimum of two (2) weeks' severance pay. Severance pay is computed at an employee's base rate of pay. Mayor & Council may

decide to issue all impacted employees up to twelve (12) weeks of severance regardless of years of service.

### **11.7.3 Alternate Job Placement**

If the Director of Human Resources believes that there is a reasonable possibility that the City may be able to make a job placement within the City, the employee may be offered placement in such position. If an employee is placed in a new position, an Introductory Period consistent with that described in Chapter 4 – Introductory Period shall be required.

## **11.8 Administrative Separation**

Upon the request of a Department Head and approval by the Director of Human Resources, an employee may be separated administratively, without prejudice to future employment rights, if such employee has exhausted all available leave and is unable to return to his current position. In accordance with federal and state law, any employee whose leave is the result of a disability may be provided a reasonable accommodation, if such accommodation is available and not deemed an undue burden upon the City. It is the employee's responsibility to inform his Department Head of his status and intention to return to work, as well as to request any reasonable accommodation needed.

Administrative separations will be processed in accordance with the City of Roswell Retirement Plan and any other applicable benefit plans and consistent with the Workers' Compensation Laws of the State of Georgia.

The City of Roswell is not permitted to continue to employ an employee if their employment authorization documents have expired. Employees may be administratively separated if they are no longer permitted to continue employment with the City of Roswell due to federal employment eligibility requirements. Such a separation will be without prejudice to future employment, if the employee is later to produce valid employment authorization documents.

## **11.9 Termination**

### **11.9.1 Termination Defined**

Termination is the involuntary dismissal of an employee's employment with the City.

### **11.9.2 Termination of Mayor & Council Appointed Positions**

The appeal of a dismissal of a Department Head, City Attorney, Assistant City Attorney or City Clerk may only be made through the court system. These positions serve at the pleasure of the Mayor & Council and may be terminated at any time, effective immediately.

### **11.9.3 Procedure**

The Department Head shall submit a recommendation for a termination to the Director of Human Resources. The Director of Human Resources will either concur or disagree with the recommendation.

**11.9.4 Appeal of Termination**

Provided the employee is covered by the termination appeal provisions of this Manual, an employee who is terminated may appeal the termination in the manner set forth in this Manual in Chapter 13 – Disciplinary and Appeals Procedures.

**11.9.5 Eligibility of Re-Employment**

A terminated employee shall not be eligible for re-employment with the City.

**11.9.6 Exit Interview**

The Human Resources Division may conduct an exit interview with exiting employees whenever possible or as requested. The exit interview will normally take place on the last day of employment.

## **Chapter 12 - Grievances and Complaints**

### **12.0 Goal and Purpose**

The complaints/grievances procedure is a communications process for hearing grievable complaints of an employee by the employee's Department Head and/or Director of Human Resources. The objective of the process is to reach a fair and equitable decision in a timely manner. When possible, the employee and immediate supervisor should make every effort to resolve any grievance before the employee files a written grievance with his Department Head.

Employees who file valid complaints/grievances in good faith shall not be subjected to retaliation for having done so. Employees are free to express concerns without fear of retaliation, coercion, or discrimination.

### **12.1 Application**

The City's complaints/grievances procedure may be used by all employees, including full time regular, probationary, part time, and temporary employees.

### **12.2 Grievable Areas**

A grievance is a complaint or a dispute by an employee alleging one of the following:

- The employee's employment or productivity has been adversely affected by unfair treatment; or
- there are unsafe or unhealthy working conditions; or
- City policies or procedures or other applicable laws have been applied or interpreted incorrectly;  
or
- The employee has been unlawfully discriminated against, harassed, or retaliated against.

### **12.3 Non-Grievable Areas**

The following areas are not grievable:

- Issues that are pending or that have been concluded by other administrative or judicial procedures;
- Work assignments that do not result in a demotion or salary reduction;
- Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;

- The content or rating of a performance evaluation, except when the employee can show that he was adversely affected by the evaluation or that the rating was the result of unlawful discrimination or retaliation;
- The selection of an individual by the Department Head or the Director of Human Resources to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination or retaliation;
- Matters that are not within the jurisdiction or control of the City;
- Internal security practices established by the City Administrator and/or the Mayor & Council;
- Decisions, practices, resolutions, or policies made or passed by the City Administrator and/or Mayor & Council that are not job or work related and that does not contradict these policies;
- In addition, employees should note that the complaints/grievances procedure should not be used to dispute disciplinary actions. If an employee wishes to dispute a disciplinary action, the employee should follow the Disciplinary Procedure and, if necessary, the Appeals Procedure as outlined in Chapter 13 – Disciplinary and Appeals Procedures.

#### **12.4 Complaints of Harassment, Discrimination, or Retaliation**

An employee who feels he has been unlawfully harassed, discriminated against, or retaliated against may, but is not required to, follow the regular grievance procedure outlined below in this policy. Any employee who believes that they have been the subject of such harassment, discrimination or retaliation must report the alleged act immediately to their immediate supervisor, or to any supervisor in their chain-of-command. In addition, any employee may report such acts directly to the City Administrator, the Deputy City Administrator, any Department Head, the Director of Human Resources, or the City Attorney, without any adverse consequence for violating the chain-of-command.

The City will make every effort to keep such complaints confidential to the extent possible or permitted by law. For more information on the City’s Unlawful Harassment Prevention Policy, please see Chapter 15.

#### **12.5 Procedure**

The employee complaints/grievances procedure involves the following steps:

**12.5.1 Step 1: Filing** -An employee who has been unable to resolve an issue informally may file a written grievance with his Department Head within ten (10) calendar days after the occurrence of the event being grieved, or within ten (10) calendar days after becoming aware of the event. The grievance statement must be submitted to the Department Head in writing, and it must state the specific complaint and the specific relief desired. Department Heads and other employees reporting directly to the City Administrator will submit their grievances directly to the Director of Human Resources.

The Department Head should forward a copy of the grievance statement to the Director of Human Resources within two (2) business days of receipt. The Director of Human Resources will determine whether or not the complaint is grievable and will send the grievant and Department Head a written notification of the determination within a reasonable period of time. If the complaint is deemed grievable, the Department Head must schedule a meeting. If the complaint is not grievable, the notice will explain the reason for that determination.

The Director of Human Resources should maintain official copies and all correspondence and records pertaining to the grievance.

**Exception:** In unusual situations, if the employee does not feel comfortable communicating his complaint to the Department Head, the complaint may be given directly to the Director of Human Resources, who will determine whether bypassing the Department Head is warranted.

**12.5.2 Step 2: Department Head** - If the complaint is grievable according to these policies, then the Department Head should schedule the first meeting within five (5) calendar days after being notified of the Director of Human Resources decision regarding grievability. Only the following persons may attend the first grievance meeting:

- The Department Head;
- the grievant;
- any witnesses the grievant wishes to bring; and
- anyone else deemed appropriate by the Department Head.

The grievant will be self-represented. The grievant will be given the opportunity to present his complaint and answer questions posed by the Department Head. The Department Head will listen to the grievant's presentation and may question the grievant to obtain pertinent facts about the complaint.

After the meeting, the Department Head will review the grievance, the evidence presented at the meeting, and the requested relief, and will issue a decision in writing to the grievant. The Department Head should notify the grievant of the decision within five (5) calendar days of the first meeting. The notice should include a statement of the grievant's right to a second meeting with the Director of Human Resources. The Department Head should also forward a copy of the written decision to the Director of Human Resources to be properly filed.

**12.5.3 Step 3: Director of Human Resources** - If the grievant is not satisfied with the results of the first meeting, the grievant must file a request for a second meeting with the Director of Human Resources within five (5) calendar days of the receipt of the decision of the Department Head. The Director of Human Resources will serve as the second meeting officer and will schedule a meeting within a reasonable time after receiving the grievant's request.

Only the following persons may attend the second grievance meeting:

- the Director of Human Resources;
- the grievant;

- any witnesses the grievant wishes to bring; and
- anyone else deemed appropriate by the Director of Human Resources.

The grievant will be self-represented. The grievant will be given the opportunity to present his objections to the Department Head's disposition of the grievance and answer questions posed by the Director of Human Resources. The Director of Human Resources will listen to the grievant's presentation and may question the grievant to obtain pertinent facts about the grievance.

After the meeting, the Director of Human Resources will review the grievance, any additional evidence presented at the meeting, and the requested relief, and will issue a decision in writing to the grievant. The Director of Human Resources should notify the grievant of the decision within a reasonable time after the second meeting. The notice should include a statement of a full-time regular employee's right to appeal the decision of the second meeting. Probationary, part-time, and temporary employees have no right to appeal.

The Director of Human Resources should forward a copy of the written decision to the employee's Department Head. The Director of Human Resources should maintain a copy of the decision within the Human Resources office.

**12.5.4 Step 4: Appeal of Director of Human Resources' Decision** - Only full-time regular employees may appeal the decision of the Director of Human Resources. In order to appeal a decision by the Director of Human Resources, an employee must respond to the Director's notice of decision as follows:

An employee must file an appeal in writing with the Director of Human Resources within ten (10) calendar days of the notice of decision of the Director of Human Resources. The appeal must contain a statement describing what is being appealed and the reasons for the appeal. The employee may file any other additional documents relating to his or her grievance that have not already been presented in the case.

**12.5.5 City Administrator** - Within five (5) calendar days of the employee's filing of appeal, the Director of Human Resources will notify the City Administrator that an appeal has been filed. The Director of Human Resources will forward to the City Administrator a copy of the employee's appeal statement, a statement of the reasons for the Director of Human Resources' decision, and a copy of all other documents relating to the employee's grievance. The City Administrator will determine if the case is appealable, if it has merit and if it has been properly filed.

If the City Administrator determines that the case is not appealable, he/she will notify the employee of the reasons for this determination. This notice should be in writing and will normally be given within five (5) calendar days of the appeal being filed.

**12.5.6 Review of Decision** - If the case is deemed appealable, the City Administrator will review all documents forwarded to him/her by the Director of Human Resources. There will be no meeting with the grievant unless specifically requested by the City Administrator. The City Administrator will ordinarily render a decision within fifteen (15) calendar days of receipt of the documents forwarded to him/her. The City Administrator will inform the employee

of his/her decision in writing and will forward a copy of the decision to the Director of Human Resources. The decision of the City Administrator will be the final decision on behalf of the City.



## Chapter 13 - Disciplinary and Appeals Procedures

### 13.0 General

The procedure listed below is intended to assist supervisors and Department Heads in determining a proper course of action when discipline is needed. The level of discipline shall generally be determined by the severity and/or frequency of the violation.

Severity can generally be interpreted in the following manner:

- **Minor** - Not a threat to the safety or wellbeing of persons (employees, citizens, and customers), property or the organization.
- **Serious** - A possible threat to the safety or wellbeing of persons (employees, citizens, customers), property or the organization.
- **Major** - Matters that cannot be tolerated and warrant prompt adverse action against the employee up to and including termination.

The City will generally utilize a corrective or progressive system of discipline to encourage employees to change their behavior in matters that can be described as "minor" in severity level. However, matters described as "serious" and "major" will be handled on a case by case basis, and any such disciplinary infraction may result in significant disciplinary action, up to and including termination of employment with the City.

### 13.1 Violations

Any of these infractions listed below are sufficient grounds for a disciplinary action, up to and including termination. The violations listed below serve only as guidelines for employees. These violations are not to be considered exclusive. ***The City retains the right to administer disciplinary action for offenses not specifically reflected in these policies.***

1. Failure to perform at an acceptable level of competence as determined by the Department Head (this may include, but is not limited to, excessive tardiness, lost time or inefficiency, loss of job qualifications, exercising poor judgment);
2. Disregard for and violations of Federal or State Law, City Ordinances, City Policies, Departmental Policies and Regulations, including safety rules;
3. Willful misuse, misappropriation, negligence or destruction of any City property, vehicle or equipment, including the use of such items for personal use or gain;
4. Unexcused absence from work or leaving work before the end of a shift or the arrival of the employee's relief, if such applies;
5. Any violation of the City's drug and alcohol work place policy, See Chapter 17;

6. Willfully giving false information to City officials, City employees, or the general public;
7. Falsification of a job application, documentation, payroll time records, official records, or other City records;
8. Improper or unauthorized disclosure of confidential or privileged information or its use for private gain;
9. Any conduct, on or off duty, that reflects unfavorably on the City as an employer;
10. Refusal to be examined by a City authorized and licensed physician when so directed in accordance with these policies, or failure to report for scheduled medical treatment relating to an on-the-job injury;
11. Unauthorized destruction of official records or documents;
12. Use of official position for personal benefit, profit, or advantage, or for other improper and/or unethical reasons;
13. Discourteous behavior to the general public or to other City employees while on duty or while in a City uniform;
14. Conviction of a felony or a crime involving moral turpitude;
15. Failure to answer any questions in connection with employment or official duties with the City;
16. Failure to report an occupational injury or accident or vehicular accident immediately;
17. Possession of firearms or other dangerous weapons or articles by unauthorized personnel while on duty or in uniform;
18. Harassment of other City employees or the general public;
19. Violation of the City's Unlawful Harassment Prevention Policy;
20. Violation of the City's Equal Employment Opportunity and/or Nondiscrimination Policies;
21. Violation of the City's Anti-Violence Policy;
22. Acceptance of gifts or gratuities not permitted by City policies;
23. Organization and/or participation in prohibited political activity or in a work strike against the City;
24. Sleeping while on duty;
25. Allowing one's self to be in a position or circumstance which inhibits one's ability to properly and professionally perform one's job duties;

26. Any action that is detrimental to the City or its operations;
27. Stealing, misappropriation or removing confidential information or City property from the City;
28. Knowingly punching the time card for another employee or allowing an employee to punch your time card;
29. Gambling, lottery or engaging in any game of chance on City property;
30. The abuse or deliberate destruction of City property;
31. Using obscene language, engaging in obscene conduct, or displaying indecent literature or pictures on City property;
32. Solicitation during work time when an employee is working or supposed to be working;
33. Unauthorized outside secondary employment while on leave of absence;
34. Insubordination – refusal to carry out a reasonable lawful request of a supervisor when directed to do so;
35. Refusing to cooperate or lying during an investigation;
36. Failure to call into the employee's supervisor for three (3) or more consecutive work days; and
37. Theft or fraud.

## **13.2 Application**

The City's disciplinary procedure applies to regular full time employees defined in this Manual. However, the City, at its sole discretion, may utilize the disciplinary procedures listed below for part time, temporary and introductory period employees. Use of the disciplinary actions below does not permit those employees appeal rights of that discipline as stated in Policy 13.7.

## **13.3 Disciplinary Actions That May Not Be Appealed**

### **13.3.1 Oral Reprimand**

An employee may be called in for counseling by his supervisor, City Administrator or his/her designee, or Department Head. The person conducting the counseling should ensure a record of such oral reprimand by documenting on a notice of counseling memo which shall indicate the date of the counseling session, subject matter, and remedial action to be taken and time frame, if any. The employee should acknowledge receipt of the notice of counseling form by their signature. Signing of the notice of counseling form does not indicate agreement with the action taken. The notice of counseling should be forwarded to Human Resources and placed in the employee's personnel file to support subsequent disciplinary action(s) if the behavior is not corrected. **Oral reprimands can be neither grieved nor appealed.**

### **13.3.2 Written Reprimand**

A written reprimand may be given to an employee by his immediate supervisor, Department Head or specified designee when:

- An oral reprimand has not resulted in the desired improvement; or
- When the initial actions require greater discipline than an oral reprimand.

An employee should acknowledge receipt of all written disciplinary actions by their signature on the written reprimand. Signing of the written reprimand form does not indicate agreement with the action taken. A copy of notice of written reprimand shall be forwarded to Human Resources and shall be filed in the employee's personnel file. All supporting documentation should be attached to the disciplinary action form. **Written reprimands can be neither grieved nor appealed.** However, the employee has the right to: a) discuss the written reprimand with the Department Head or specified designee and/or b) submit a written statement to be attached to the written reprimand to be filed in his personnel file. An employee may be placed on probation for up to ninety (90) days as a result of a written reprimand. Merit increases will not be given while an employee is on probation or is currently on a Performance Improvement Plan.

## **13.4 Disciplinary Actions That May Be Appealed**

### **13.4.1 Disciplinary Suspension Without Pay**

An employee may be suspended without pay for a period of time not to exceed thirty (30) calendar days. The duration of the suspension shall depend on the nature of the offense. Should an employee be subject to multiple suspensions without pay that would result in absences of more than thirty (30) calendar days in a 12 month period, then steps to terminate the employee should be undertaken.

Employees who are exempt from the Fair Labor Standards Act (FLSA) may be suspended without pay only in one (1) week, (40 hour) segments, in accordance with the law.

### **13.4.2 Disciplinary Salary Reduction**

An employee's salary may be reduced a minimum of five percent (5%) and up to a maximum of ten percent (10%) for disciplinary purposes. The reduction in salary shall not constitute a demotion in pay grade.

### **13.4.3 Disciplinary Demotion**

An employee may be demoted to a vacant position of a lower pay grade if the employee is qualified to perform the work of the lower position. This shall entail a reduction in salary as determined by the Department Head, the Director of Human Resources and the City Administrator.

### **13.4.4 Dismissal/Termination**

An employee may be terminated from employment with the City for disciplinary reasons. The procedure outlined in this Chapter shall be followed for dismissals involving regular full time employees.

## 13.5 Procedural Guidelines for Administering Disciplinary Action

The following steps will be taken in the administering of a disciplinary action that may be appealed or grieved, as listed in **Section 13.4** above:

### 13.5.1 Notification of Proposed Adverse Action

The Department Head will immediately notify the Director of Human Resources of his /her intent to take adverse disciplinary action against a regular full-time employee. Such notification shall be in writing. The Department Head will provide the affected employee with written notification of the proposed disciplinary action. The notification will contain the following:

- (1) The proposed effective date of the disciplinary action which may be immediate;
- (2) The specific charges or reasons for the action;
- (3) A statement informing the employee of the opportunity for a hearing in person with the Director of Human Resources before the proposed disciplinary action is effective, unless in the discretion of the Director of Human Resources and Department Head, it is in the best interest of the City that the employee be removed from his position immediately; and
- (4) A statement and notice to the employee that failure to respond to the Director of Human Resources within five (5) calendar days of receipt of the notice **will result in a waiver of all further appeal rights.**

### 13.5.2 Employee Response

An employee who wishes to appeal the Department Head's decision may request a hearing in person with the Director of Human Resources. A response to a notice of adverse action must be made within five (5) business days of receipt of the notice of adverse action. The employee's response must be in writing and must be submitted to the Director of Human Resources.

### 13.5.3 Hearing Before Director of Human Resources

The Director of Human Resources will conduct a meeting with the employee and consider his response to the proposed adverse action within ten (10) business days of receipt of the employee's request for such hearing. The employee may request that an interpreter be present at the hearing when necessary. The employee may not be accompanied by any other person at the hearing, other than an interpreter where necessary.

### 13.5.4 Notice of Final Action

After considering the employee's response, the Director of Human Resources shall make a determination as to whether the employee has successfully refuted the charges and notify the employee of the decision within ten (10) business days after the hearing. The notice of final action shall contain a statement informing the employee of the right to appeal an adverse action in accordance with Section 13.8 of this Chapter.

### **13.5.5 Postponement of Deadline**

If the employee responds to the Director of Human Resources within the proper period of time, the Director may postpone the deadline for the notice of final action by a specific number of days to conduct further investigation, with written consent from the employee.

### **13.5.6 Immediate Dismissal Action**

Department Heads may recommend that an employee be terminated or suspended immediately, with or without pay, if the Department Head deems such an action to be in the best interest of the City. The Director of Human Resources shall approve immediate dismissals. If the dismissal is found to be in error and is reversed through an appeals process, the employee shall be paid for the period of suspension or termination at his regular rate of pay.

## **13.6 Appeals of the Director of Human Resources' Final Decision**

A regular full time employee may appeal the Director of Human Resources' decision and notice of final action involving:

- (1) Disciplinary suspension greater than three (3) work days/shifts;
- (2) Disciplinary salary reduction;
- (3) Disciplinary demotion; or
- (4) Termination

## **13.7 Application**

The City's disciplinary appeals process is limited to regular full time employees only. Part time employees, temporary employees, or introductory period employees do not have appeal rights.

## **13.8 Procedures to Appeal The Final Action of the Director of Human Resources**

In order to appeal a final decision by the Director of Human Resources, an employee must respond to the notice of proposed action as follows:

### **13.8.1 Filing**

In order to appeal a decision by the Director of Human Resources, an employee must file an appeal in writing with the Director of Human Resources within ten (10) business days of the final adverse decision of the Director of Human Resources. If the decision is not appealed within the prescribed time, all further appeal rights are terminated. The appeal must contain a statement describing what is being appealed and the reasons for the appeal.

### **13.8.2 Determinations by the City Administrator**

The Director of Human Resources will notify the City Administrator that an appeal has been filed within five (5) calendar days of the filing. The appeal will be forwarded to the City Administrator, who will determine if the case is appealable, if it has merit, and if it has been properly filed.

If the case is appealable, within a reasonable period of time the City Administrator will notify the appellant, the Director of Human Resources, and the Department Head.

If the City Administrator determines that the case is not appealable, she/he will notify the appellant of the reasons for this determination. This notice must be in writing and will normally be given within five (5) calendar days of the appeal being received by the City Administrator.

### **13.8.3 Review of Decision**

If the case is deemed appealable, the City Administrator will review all documents forwarded to her/him by the Director of Human Resources. There will be no meeting with the appellant unless specifically requested by the City Administrator. The City Administrator will ordinarily render a decision within fifteen (15) calendar days of receipt of the documents forwarded to her/him. The City Administrator will inform the employee of his/her decision in writing and will forward a copy of the decision to the Director of Human Resources. The decision of the City Administrator will be the final decision on behalf of the City

## **13.9 Name Clearing Hearings**

When an adverse employment action implicates an employee's liberty interests, an employee has a right to request a name-clearing hearing. The purpose of a name-clearing hearing is only to "clear one's name," and has no bearing on the employment actions taken against an employee. ***The City is not required to change any decision regarding an adverse employment action as the result of a name-clearing hearing.***

This policy provides a general overview of name-clearing hearings where liberty interests are implicated, and is not intended to answer all questions regarding name-clearing hearings. Whether an adverse employment action implicates a liberty interest is determined on a case-by-case basis. The Director of Human Resources should be consulted when an adverse employment action may implicate a liberty interest.

An employee's liberty interests are implicated when:

- A public charge has been brought against the employee;
- The charge is alleged to be false by the employee;
- The charge is potentially stigmatizing; and
- The charge has the potential to severely damage the employee's future employment opportunities.

The City will give the employee sufficient notice of the specific charges against her or him. The City will give an employee reasonable notice of his or her right to a name-clearing hearing, where applicable. A name-clearing hearing will be held within a reasonable time after notice of the adverse employment action and the right to a name-clearing hearing. A name-clearing hearing shall be public. The employee has the right to present witnesses and the right to cross-examine witnesses during the hearing.

### **13.10 Record Keeping**

The Director of Human Resources will be responsible for maintaining files of all appeals and decisions relating to the appeals process.



## Chapter 14 – Information Technology Acceptable Use Policy

### 14.0 Overview

Information Technology (IT) resources are highly valuable and mission-critical to the City of Roswell's ongoing operation. These resources include but are not limited to, all computer, network and telecommunications equipment, software, operating systems, data and storage media, and network accounts providing access to e-mail, internet/intranet, remote access and other services and systems funded by the City or available through equipment owned or leased by the City. These resources are the property of the City of Roswell and are to be used for business purposes serving the interests of the City, its citizens and the vision of the Mayor and Council.

### 14.1 Purpose

This document establishes guidelines, requirements, and limitations governing the acceptable use of City-provided Information Technology (IT) resources and sets forth the acceptable and appropriate use of the City's IT resources. This policy exists to protect the user, the City of Roswell, and citizen data. Inappropriate use of the IT resources exposes the City to risks including compromise of network and system security, loss and/or theft of data, and legal liability. It is the responsibility of every user to know these policies and to conduct their activities accordingly.

### 14.2 Scope

This policy applies to all City of Roswell employees, consultants, vendors, contractors, interns, volunteers, students, and others (hereinafter referred to as "user") who use the IT resources of the City of Roswell.

### 14.3 Policy

#### 14.3.1 General Use of IT Resources

Acceptable use of IT resources conforms to the purpose, goals, and mission of the City and each user's duties and responsibilities.

Acceptable use includes, but is not limited to the following:

- Communicating and exchanging information in a manner directly related to the mission, charter, and work tasks of the City in direct support of work-related functions or collaborative projects;
- Communicating with vendors on products used or being considered for use by the City, either to investigate use of their product or to receive help in using their product;
- Communicating and exchanging information for professional development or to maintain job knowledge; and
- Researching and gathering information in support of the City's governmental duties.

Unacceptable use of IT resources are activities that do not conform to the purpose, goals, and mission of the City or to each user's duties and responsibilities. Any questionable use should be avoided. When in doubt, seek clarification from IT before pursuing the questionable activity.

Notwithstanding the foregoing, limited and intermittent use of City of Roswell IT resources for personal (non-business related) use is acceptable; provided that, all such use must be reasonable, must not interfere with any user's performance of his/her duties and responsibilities, must not be for entertainment purposes, and must otherwise comply with the provisions set forth elsewhere within this policy.

Unacceptable use includes, but is not limited to the following:

- Seeking or gaining unauthorized access to City of Roswell network resources or external resources;
- Destroying or damaging the integrity of data without authorization;
- Altering or damaging city issued equipment;
- Compromising the privacy and/or security of users;
- Circumventing, or attempting to circumvent, network security established by the City of Roswell;
- Connecting personal devices or equipment including, but not limited to, computers, switches, laptops, tablets, mobile phones, etc., not issued or authorized by the IT Division to the City's network (Local Area Network) environment is prohibited;
- Disrupting the functions of City of Roswell networks or other computer resources, including, but not limited to, propagation of worms or viruses or other debilitating programs;
- Utilizing unapproved Peer-to-Peer (P2P) file-sharing applications that negatively impact network security and resources;
- Conducting or participating, or attempting to conduct or participate, in illegal activity;
- Violating City of Roswell policies;
- Using another employees' user ID and/or password; or device that was left logged in sending or transmitting communications while creating the appearance of being a user other than yourself;
- Circumventing legal protection provided by copyright and license to programs and data;
- Conducting or promoting commercial or private/personal business enterprises or products;
- Engaging in political lobbying;
- Supporting or soliciting on behalf of non-City sponsored organizations, etc., not related to the City of Roswell;
- Transmitting unsolicited commercial, religious or charitable information (i.e. junk mail, advertising, etc.) that does not specifically pertain to a City-sponsored program or event;
- Transmitting material that may be deemed offensive to its recipient;
- Viewing, or transmitting, or receiving sexually explicit material;
- Receiving sexually explicit material without either deleting the material or contacting the Human Resources Division or the IT Division. The presence of opened but undeleted sexually explicit material in an employee's user account shall be grounds for disciplinary action if the employee has not contacted the Human Resources Division or the IT Division regarding her/his receipt of the material.
- Transmitting, posting or printing racial, ethnic, religious, or gender-based slurs;
- Threatening or harassing others;
- Gossiping or spreading rumors;

- Sending, receiving, or reviewing jokes, cartoons, or chain letters;
- Playing games, including sports pools, “fantasy” sports leagues, or similar activities;
- Visiting or participating in chat rooms or web logs (“blogs”);
- Passing off the user’s own views or opinions as representing those of the City of Roswell;
- Searching for employment;
- Viewing personals and/or dating-related services;
- Subscribing to listservs for non-business related reasons;
- Using a City e-mail account for mailing lists that are personal in nature and/or not business related (recipes, catalogues, etc.);
- Using local computer or network storage for personal data, music, pictures, personal documents, etc.;
- Conducting or participating in fraudulent activity, including forgery or impersonation;
- Violating any Local, State or Federal laws;
- Any activity that brings discredit upon the City of Roswell; and
- Other uses deemed to be inappropriate by the City Administrator.

All City departments are responsible for the use of IT resources by their users. City departments have the responsibility to ensure that usage of City-provided IT resources serve legitimate government functions and purposes.

#### **14.3.2 Privacy**

The City of Roswell has the right to access and disclose any form of electronic communication, sent over its e-mail system or stored in its files, for legal and audit purposes. Users should be aware that electronic records are subject to the mandatory public disclosure requirements of the Georgia Open Records Act, subject to the exceptions under the Act. Users should also be aware that the use of personally owned cellular phones, communications devices, and/or computers/tablets, in the performance of City duties, may subject the contents of the work performed on the personally owned device(s) to disclosure under the Georgia Open Records Act. Any form of digital object created by a user on a City device or on a BYOD device during work operations remains the property of the City of Roswell.

All computer and phone-based communications, including email, Internet access, instant messaging, and phone/cell-phone calls are centrally logged for every connection to internal and external resources. For security and network maintenance purposes, authorized individuals within the City of Roswell may monitor equipment, systems and network traffic at any time. The City of Roswell reserves the right to audit all networks and systems on a periodic basis to ensure compliance with this policy.

Any electronic data containing confidential information, especially information regarding or relating to personal identification, must be protected by approved encryption software. This includes all such data maintained on or transmitted through a City of Roswell computer, including laptops, the City of Roswell e-mail system, the City of Roswell computer network, or any other device that is a part of or is related to the City’s computer system.

### 14.3.3 Internet/Intranet, E-mail and Messaging

Limited and intermittent use of Internet and E-mail resources for personal use includes, but is not limited to the following:

- Accessing a personal, web-based, e-mail account such as Gmail, Outlook.com, YahooMail etc.
- Accessing a news-related website such as ajc.com, cnn.com, etc.
- Accessing a personal, online banking account
- Ordering flowers online for a special occasion
- Sending a quick message to a verified family member or friend
- Checking weather and travel conditions

Employees must understand that conducting personal transactions or accessing personal accounts is done so at their own risk. While the City of Roswell makes every effort to maintain the security of its networks, it cannot accept responsibility for the actions of outside parties which may compromise an employee's personal data when they are accessing sites for personal use. The following Internet specific limitations and responsibilities must be observed:

- Do not click on any ad on any website for any reason as they can contain malicious software that can be installed on the PC.
- Only visit known and trusted secure websites
- Social media sites will be visited for business purposes only.
- Users must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, spyware and/or other malware.
- Whenever possible, avoid sending e-mails with attachments larger than 10MB. For internal correspondence, it is preferable to place the document in a shared network location and reference the file location in the e-mail.
- The City of Roswell realizes that we have little control over communications received, especially those received from unsolicited sources. Any unsolicited electronic correspondence (SPAM) received should be disposed of accordingly, typically by deleting it from your mailbox.
- Upon receiving any phishing emails, please notify IT of the emails, mark the email as junk and move it to your deleted folder.
- Messages to the "All" email distribution list within the City of Roswell should not be sent unless they are needed to inform employees of official messages, such as building operations issues, IT issues and messages to employees from Mayor & Council, Human Resources, the Finance Department and the City Administrator. Unacceptable use of email to "All" include messages pertaining to City events or programs and general interest messages. These types of messages should be sent to the Community Information office or designee to be posted on the Intranet.
- Users must use an approved instant messaging tool

### 14.3.4 Network User Accounts and Password Security

All users accessing the network or using any IT resource must do so with a unique network user account and password. In order to preserve accountability, individual network user accounts may

not be shared amongst multiple users, nor may generic or group logins be utilized. If a shared / generic account is needed, it must be approved by the IT Director. All non-permanent network accounts such as those utilized by vendors, contractors, and interns will be configured to automatically expire every ninety (90) days, unless IT terminates services earlier due to notification from Human Resources that the service is no longer required. IT can reactivate these accounts for an additional ninety (90) days as needed.

Passwords are an essential component of computer security and are the front line of protection for network user accounts. Failure to maintain password security will result in disciplinary action up to and including termination, since a poorly chosen password may result in the compromise of the City of Roswell's entire network.

All City of Roswell users are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords:

- All user network passwords must be at least eight (8) characters long;
- Must be complex, containing upper + lower case, numeric and special characters
- Must not be a dictionary word or proper name;
- Cannot be the same as the User-ID;
- Must not be the same as the previous twelve (12) passwords;
- Password will expire every sixty (60) days;
- If a password reset is needed you must call IT or place a ticket and provide a good call back number so IT may contact you. (Managers and co-workers cannot call on behalf of another employee for security reasons.)
- Do not share passwords with anyone, including administrative assistants or supervisors;
- Password can only be sent digitally through a secure method requiring credentials, email to one user is acceptable but login credentials must be sent separately;
- If an active directory (AD) password reset is required, and the users are not able to access email, they will need to call IT for assistance;
- If you give your password to IT staff or it is provided to you by IT staff, you will need to change the password immediately afterward.
- Passwords cannot be stored in a computer file without encryption;
- Password are not to be written down, stored, or placed in or around a device, the password could unlock; and
- If an account or password is suspected to have been compromised, please inform IT of this immediately so that we can change the password.

### **14.3.5 Desktop PC/Laptop Operation**

In order to maintain security and manageability of the PC/Laptop environment the following limitations and responsibilities must be maintained:

- PC/Laptops must be specified, approved, and purchased, set up, deployed and serviced by the IT Division;
- No personal PC/Laptop/Mac will be allowed to have access to any City resource;
- When a device is no longer in use by the designated use, they will need to return the equipment to the IT Division to ensure the security of the device;
- When an employee is terminated, all equipment should be turned into IT promptly;
- Should a user transfer to another team or department and equipment does not transfer with the employee, the user will need to bring their equipment to IT before it is assigned to another user.
- No user will have Administrator privileges on a City PC/Laptop unless approved by the IT Director. This agreement will last no more than a six (6) month period and at such time, IT will review to determine if admin rights will still be needed;
- No user owned software or hardware will be installed on a City PC/Laptop;
- All users must log out or lock their device whenever leaving or walking away from their device, regardless of how long they will be away from their device. All devices must also be set up on auto-lock after fifteen (15) minutes of inactivity.
- Any theft or loss of a City owned desktop PC/Laptop/Mac must be reported to IT immediately, as these devices can provide access to the City of Roswell's network and other IT resources.
- Files containing confidential or sensitive data may not be stored on any device without proper encryption software;
- Personal data, photos, videos, and other documents shall not be stored on City issued cellular phones/IPads/tablets;
- All computers that connect to the City of Roswell's internal network must have up-to-date anti-virus and latest Windows security patches.
- In order to ensure security some software's will require a member of IT to install the application. When a new software is requested, it must go through the IT software approval process and approved before it will be administered in the environment.

### **14.3.6 Remote Access**

Approved users may utilize the benefits of remote access to the City of Roswell's internal network via Virtual Private Network (VPN) connections in order to perform work-related functions from an off-site location such as the home or while traveling. These connections may utilize traditional broadband access such as DSL or cable, or wireless technologies such as WiFi, or LTE. Access will only be granted to a City's device.

To minimize the potential exposure to the City of Roswell from damages which may result from unauthorized remote access the following limitations and responsibilities are in place:

- All computers that are connected to the City of Roswell's internal network via remote access must use up-to-date anti-virus and the latest Windows security patches;

- Connection information, such as passwords encryption keys, and certificates, are confidential and this information should not be provided to anyone, including family members;
- It is the responsibility of users with remote access privileges to ensure that unauthorized users are not allowed access to City of Roswell's internal network from their off-site computer;
- For the PC/Laptop to securely access the City's network, the user will need to make sure they are keeping up with Windows updates, and have the latest anti-virus software provided by the City; and
- and
- Off-site PC/Laptops are to be used for City tasks and not personal use.

#### **14.3.7 Cellular Phones, Tablets and iPads**

Approved users of City issued cell phones, tablets or iPads, including handheld wireless devices, two-way radios, and laptop wireless cards must understand that these devices are an extension of the City of Roswell's network and must therefore be treated like any other IT resource.

To maintain security and manageability of the cellular phone/tablet/iPad environment the following limitations and responsibilities are in place:

- IT will specify, approve, purchase, deploy and service cellular phones, tablets and iPads;
- Files containing confidential or sensitive data may not be stored on any device without proper encryption software;
- Personal data, photos, videos and other personal documents shall not be stored on City issued cellular phones/tablets/iPads; and
- Immediately report any theft or loss of cellular phone/iPad/tablet to IT as these devices can provide access to the City of Roswell's network and IT resources.

#### **14.4 Bring Your Own Device (BYOD)**

Bring Your Own Device (BYOD) cell phones are recommended for part time employees only. To be enrolled the user will need to agree to and sign the City of Roswell IT BYOD policy. These devices are entered into the City's Mobile Device Management (MDM).

- When using BYOD technology, the user must understand that the device is an extension of the City of Roswell's network and will be subject to the same rules and regulations that apply to all City of Roswell IT resources.
- Laptops/iPads/Tablets will not be part of this program and these devices will need to be provided as needed from the City to ensure all security protocols are followed.
- To use personal cell phones to access any City of Roswell IT resources, the device will need to be set up and managed by the City's Mobile Device Management (MDM).
- At any locations when City-managed Wi-Fi is available, only City of Roswell issued laptops/PC will be able to access the network. No BYOD or personal device will be able to connect.

## 14.5 Data Access

The data on the City's network is essential to our daily operations and contains secure and sensitive information. All users who access data on the City's network must adhere to the following:

- Access to files must be done on a City owned computer, and
- Data should only be shared with those who have the same level of access.

### 14.5.1 Sensitive Personally Identifiable Information (SPII)

Sensitive Personally Identifiable Information (SPII) consist of data that can directly link back to an individual. It is the most sensitive level of data and any user who has access to it needs to take the utmost caution in using it, storing it, duplicating it, or sharing it.

Examples of this would include:

- Social Security Numbers (SSN)
- Driver's License
- Alien Registration Numbers
- Credit Card Information
- Passport Information
- Financial Information
- Medical Records
- Account Passwords

Access to this data will require approval from the user's director and the IT Director and the Human Resources Director. There will need to be a stated business need to have access to the data. Access will be periodically reviewed and removed if no longer needed. All SPII data needs to be secure and private.

## 14.6 Enforcement

Before access to any IT resource is granted the user must sign an acknowledgement form signifying the user's familiarity and acceptance of this policy.

Each City Department is responsible for their users' compliance with the provisions of this policy.

When an instance of non-compliance with this policy is discovered or suspected, the department shall proceed in accordance with City of Roswell Human Resources Policies and Procedures Manual.

Complaints about unacceptable use should be promptly reported to the immediate supervisor. Such reports shall be taken seriously by the supervisor and carefully investigated.

Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the City's network. Network user accounts and password access may be withdrawn without notice if a user violates the IT Acceptable Use Policy.

All provisions of this policy are deemed rules of the City of Roswell and violation of any may result in disciplinary action in accordance with the City of Roswell Human Resources Policies and



Procedures Manual up to and including termination of employment. Criminal or civil action against users may be initiated when laws are violated.

## Chapter 15 - Unlawful Harassment Prevention Policy

### 15.0 Purpose

- To communicate to all employees the City's policy prohibiting unlawful harassment and discrimination in the workplace.
- To communicate the City's expectations of supervisory employees to maintain the workplace free from unlawful harassment and discrimination.
- To communicate to all employees their obligation to immediately report allegations of unlawful harassment and discrimination.

### 15.1 Policy

The City is committed to a work environment that promotes equal employment opportunities and is free from unlawful discriminatory and retaliatory practices, including Unlawful Harassment. The environment of the City should be characterized by mutual trust and the absence of intimidation and oppression.

It is illegal and against the policy of the City for any person to harass, threaten or intimidate another employee on the basis of their race, color, religion, sex, disability, national origin, age, genetic information, sexual orientation, gender identity, to include transgender status, or other protected characteristic or conduct.

The City will not tolerate conduct that constitutes Unlawful Harassment by its employees, customers, vendors, visitors or candidates for employment. This policy applies to all employees at all levels of the City.

### 15.2 Summary

It is illegal and against the policy of the City for any person to harass, threaten or intimidate another employee on the basis of their race, color, religion, sex, disability, national origin, age, genetic information, sexual orientation, gender identify, to include transgender status, or other protected characteristic or conduct.

Any employee who believes that they have been the subject of such harassment must report the alleged act immediately to their immediate supervisor, or to any supervisor in their chain-of-command. In addition, any employee may report such acts directly to the City Administrator, the Deputy City Administrator, any Department Head, the Director of Human Resources, or the City Attorney, without any adverse consequence for violating the chain-of-command.

Allegations of abuse or harassment committed by an employee against a citizen, program participant, vendor, visitor to the City or member of the public must immediately be reported to the Director of Human Resources. A complaint will be immediately investigated by the Human Resources Division in conjunction, where appropriate, with legal counsel, the Office of Professional Standards of the Roswell Police Department, or other parties deemed necessary and appropriate.

Any supervisor, agent or employee, who has harassed another on the basis of their race, color, religion, sex, disability, national origin, age, genetic information, sexual orientation, gender identity, or other protected characteristic or conduct, will be subject to appropriate disciplinary action, up to and including termination.

### **15.3 Definitions**

Conduct in violation of this policy includes, but is not limited to the following definitions:

#### **A. Unlawful Harassment**

1. Unlawful harassment can include, but is not limited to, creating an intimidating, hostile or offensive working environment for another on the basis of one's race, color, religion, sex, disability, national origin, age, genetic information, sexual orientation or gender identity or other protected characteristic or conduct.
2. Sexual harassment can occur between individuals of the opposite sex or individuals of the same sex. Sexual harassment does not have to be of a sexual (romantic) nature but occurs when it is because of the person's sex. Same sex harassment is still sexual harassment and is a violation of the law and of City policy.
3. Unlawful harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made, directly or indirectly, a term or condition of a person's employment, or
  - b. Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person.
  - c. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive working environment.
4. Unlawful harassment can include, but is not limited to:
  - a. Verbal Harassment - Sexual innuendo, sexually suggestive comments, jokes and/or teasing of an unwelcome nature, discussing sexual exploits, lewd remarks and threats; or continued requests for social or sexual contact.
  - b. Physical Harassment - Unwelcome contact, touching or impeding movement.
  - c. Nonverbal Harassment – the distribution, display or discussion of any written or graphic material including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of a protected characteristic including because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes faxes, e-mails, photos, text messages, tweets and

internet postings; or other forms of communication that are sexual in nature and offensive.

- d. Sexual Favors - Unwanted sexual advances conditioning an employment benefit on an exchange of sexual favors.
- B. Unwelcome – used in the sense that the offended employee did not solicit or incite the conduct and regarded it as undesirable or offensive.
- C. Hostile/Offensive Working Environment – determined based on the particular circumstances, but shall include severe or pervasive written, verbal, or physical conduct directed toward an employee on the basis of one’s race, color, religion, sex, disability, national origin, age, genetic information, sexual orientation, gender identity, or other protected characteristic or conduct.
- D. Reasonable Person/Victim Standard – based on the victim’s perspective, as long as that perspective is reasonable. In determining whether sexually offensive or other unlawful harassing conduct has occurred, it is no defense that the alleged harasser did not intend to harass. It is the impact on the complainant, not the intent of the alleged harasser that must be evaluated. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.
- E. Terms, Condition and Privileges of Employment - includes, but is not limited to, hiring, firing, hours of work, location of work, promotions, demotions, transfers, compensation, benefit eligibility, vacation privileges, or other items which a manager or supervisor either has control over or has the ability to influence decisions related to that impacts the employee’s work conditions.

#### 15.4 **Types of Harassment**

Generally speaking, there are two types of harassment that are deemed unlawful by the Courts and against the City’s policy. Those types are:

##### A. Quid Pro Quo Harassment

Quid Pro Quo (*this for that*) occurs when a supervisor/manager makes a demand of a sexual nature of an employee and in exchange for the demand the employee receives some employment benefit related to their terms, conditions or privileges of employment. It may also occur when the employee does not submit to the demand and therefore either receives or is threatened with some retaliatory conduct related to their terms, conditions or privileges of employment.

An example of this would be a manager agreeing to promote an employee if the employee agrees to go on a date with the manager. The same would be true if the manager demoted the employee because they refused to go on a date with the manager. Both of these examples, as well as other forms of quid pro quo harassment, are strictly prohibited by law and by City policy.

##### B. Hostile Work Environment

A hostile work environment is a workplace in which unwelcome comments or conduct based on race, color, religion, sex, disability, national origin, age, genetic information, sexual orientation, gender identity, or other protected characteristic unreasonably interfere with an employee’s work performance or create an intimidating or offensive environment and therefore affect the employee’s terms, conditions or privileges of employment. The conduct is severe or pervasive, unwelcomed and creates a work environment that is hostile or abusive for the employee. A

hostile work environment may be created by a supervisor/manager, co-worker, vendor, visitor, customer, or candidate for employment

An example of hostile work environment would be a co-worker repeatedly making unwelcome comments of a sexual nature to the employee or in the presence of the employee after being asked to stop. While the co-worker does not have direct impact on the terms, conditions and privileges of employment for the employee, the repeated sexual comments may create a hostile work environment for the employee. This example of hostile work environment, and other situations such as this, are prohibited by law and by City policy.

### **15.5 Supervisor/Management Responsibility**

A. Conduct of a harassing nature by a supervisor is particularly unacceptable and will not be tolerated. Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Supervisors are also strictly prohibited from engaging in any conduct that could reasonably be construed by another employee as threatening, offensive or intimidating so as to constitute a hostile working environment in violation of this policy. Any supervisor who engages in such conduct shall be subject to disciplinary action, up to and including termination.

B. It is the responsibility of each supervisory and management level employee of the Department to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual or unlawful harassing treatment in violation of this policy, and to report perceived violations of this policy to the Director of Human Resources, or other representatives of the City as identified in this policy.

C. Any supervisor who retaliates against an individual or a witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

### **15.6 Employee Rights and Responsibilities**

While the Human Resources Division is responsible for dissemination and implementation of the Unlawful Harassment Prevention Policy, every employee at every level of the organization is responsible for immediately bringing forth any complaints or concerns related to unlawful harassment. Every employee who witnesses harassment has an obligation to inform the appropriate person, as detailed below, in order to stop any inappropriate behavior as it relates to Unlawful Harassment. No employee who, in good faith, exercises their right to make a complaint of sexual or other unlawful harassment will be subjected to any retaliatory act or incur any penalty or adverse consequence. Unlawful harassment in the workplace will not be tolerated and employees, who believe they have experienced such harassment, or have witnessed the harassment of another, have an obligation to report such unlawful conduct immediately.

### **15.7 Employee Reporting Procedure**

A. Employees who believe they have been subjected to sexual or other unlawful harassment, or believe they have witnessed such conduct, must report this immediately to their immediate

supervisor, other supervisor(s) in the chain-of-command, the City Administrator, the Deputy City Administrator, any Department Head, the Director of Human Resources, or the City Attorney.

B. Any reported allegations of harassment or retaliation will be investigated promptly and thoroughly, and the ongoing investigation shall be confidential, to the extent permitted by law.

C. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or a delay in the reporting of same, may impede the City's ability to implement preventive or corrective measures when appropriate.

D. Any employee who interferes with or intimidates an individual or witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

### **15.8 Unlawful Harassment Prevention Training**

The City believes that prevention is key to maintain an environment that is free of sexual or other unlawful harassment. Supervisors and managers will attend Unlawful Harassment Training on a periodic basis. Training may be conducted in-person or using electronic means. Additionally, employees will attend Unlawful Harassment Training on a periodic basis and it may be conducted either in-person or using electronic means. The Human Resources Division will maintain the records of training for all employees and ensure compliance.

**The City encourages any employee to raise questions they may have regarding discrimination, retaliation or harassment with the Human Resources Division. Questions may be directed to the Director of Human Resources.**

## **Chapter 16 - City of Roswell Policy for Flexible Work Arrangements**

### **16.0 Overview and Statement of Policy**

The City of Roswell supports flexible work arrangements and allows Departments to implement these arrangements, where appropriate, for eligible employees.

Flexible work arrangements may be implemented when they benefit the City of Roswell in one or more of the following ways.

- City of Roswell Citizens -To provide Citizens with an even higher level of service with no delays at the beginning of the business day and continue this level of service until the close of the day.
- City of Roswell as an Employer – To improve absenteeism, recruitment and retention of high quality employees, to decrease employee vacancy rates and to provide a no-cost enhancement to the City’s work environment
- City of Roswell Employees – To improve job satisfaction, employee morale, effectiveness and productivity; promotes employee health, wellness and reduces absenteeism. Reduce employee’s time of commute, cost of fuel and vehicle maintenance.
- Sustainability – To position the City as a leader for solutions to reduce traffic congestion and improve air quality and will maximize the utilization of City facilities and resources.

The City of Roswell Municipal Offices will be open from 8:00 a.m. until 5:00 p.m. Monday through Friday unless otherwise determined by the City Administrator. Flexible work arrangements shall not result in delayed open or early closing of any offices.

Flexible work arrangements shall not diminish the ability of the City to assign responsibility and accountability to individual employees for the provision of services and performance of their duties.

No new positions are to be created as a result of flexible workplace arrangements. Flexible work arrangements shall not result in automatic overtime or compensatory time.

### **16.1 Work Schedules**

The City of Roswell utilizes five (5) types of work schedules. An employee’s work schedule is considered a “fixed schedule” in which the employee consistently works the same schedule. However, employees may be called upon to temporarily work a different schedule in order to accommodate the needs of the City.

Combinations of types of work schedules may be considered, however the employee must be consistent in the schedule or combination of schedules worked. With the exception of telecommuting, work is conducted at the employee’s assigned work place.

A. Standard Work Schedule

Employees work 40-hours in the standard five (5) 8-hour days with work being performed between 8:00 a.m. and 5:00 p.m., five (5) days a week, Monday through Friday.

B. Shifts

Shift work is defined as regular work time performed outside of regular business hours. Employees work shifts based on the needs of the Department. The start and end times, scheduled work days, and length of shifts are determined by the Department. Shifts can vary daily or weekly. Examples of shift work are rotating shifts, evening shifts, night shifts, split shifts and irregular schedules.

C. Flex-Time

Employees work forty (40) hours in five (5) days, normally with weekends off but with flexible starting and ending times other than the standard work day.

D. Compressed Work Week

Employees work forty (40) hours in less than five (5) full work days. Examples of Compressed Work Weeks are:

- (4) 10-hour days
- (4) 9-hour days and (1) 4-hour day

E. Telecommuting

Employees regularly work one or more days each week from an alternate location (normally their home) instead of commuting to their regular workplace. The occasional practice of working at home is not considered telecommuting.

## 16.2 Eligibility

A flexible work arrangement is a management option and by their nature, certain positions are not suited for flexible work arrangements. Participation is not appropriate for all employees and no employee is entitled to, or guaranteed the opportunity to have a flexible work arrangement. Flexible work arrangements are not a benefit.

Flexible work arrangements are determined at the department level to provide adequate staffing for the functions performed by the department. The Department Head is responsible for ensuring that schedules are established in such a way as to fulfill all the purposes of this policy. The Department Head shall determine the supervisory requirements of an employee with flexible work arrangements.

Full time employees, with the exception of Department Heads, may apply for a flexible work arrangement. Consideration is based on a combination of job characteristics and contingent on satisfactory employee performance.

## 16.3 Leave Time

There is no change in how any type of Paid Time Off (PTO), sick leave or other type of leave is earned, paid or used. When an employee uses PTO or sick leave for all or part of the work day, the number of hours away from the work place shall be the number of hours charged to the employee.



Holidays are paid as eight (8) hours per day. Accrued and earned leave (PTO and sick leave) are paid in one-quarter (0.25) hour increments.

Stipulations and examples pertaining to specific types of flexible work arrangements are found in Section 6 – Stipulations.

#### **16.4 Duration of Flexible Work Arrangement**

The maximum length of time for a flexible work agreement is twelve (12) months. At the end of this period, the employee may request renewal by submitting an updated request.

After an employee begins a flexible work arrangement, periodic reviews are to be conducted by the employee's supervisor to evaluate the success of the arrangement. These reviews are to be conducted at 90-day intervals during the first year of the arrangement. If an agreement is renewed, the periodic reviews are to be continued at 6-month intervals.

Should a conflict arise between two (2) or more employees concerning a flexible work arrangement, the employee's supervisor shall have authority to resolve the matter.

#### **16.5 Approval for Flexible Work Arrangement**

Employees may request a flexible work arrangement by submitting a Request for Flexible Work Arrangement to their supervisor detailing the type of schedule requested and the reason for the request.

All flexible work arrangements must be approved by the employee's supervisor, Department Head and the City Administrator or his/her designee prior to implementation. Departments may establish specific protocol for additional approvals.

In positions where a flexible work arrangement is permitted, requests from employees for any change will be considered on the basis of the standards and the workload of the City. Requests can be for a permanent or temporary change.

Any changes to the agreement must follow the protocol established by the Department and must be approved by the employee's supervisor, Department Head and the City Administrator or his/her designee.

If an employee's job duties are not compatible with a flexible work arrangement, the employee's supervisor or Department Head may decline the request.

If a request is not approved, the employee is to be notified following departmental protocol. If an employee desires to contest the denial of a request, the process contained in the Human Resources Policies and Procedures Manual Chapter 12 – Grievances and Complaints shall apply.

## 16.6 Stipulations

### A. Flex-Time

Employees work forty (40) hours in five (5) days, normally with weekends off but with flexible starting and ending times other than the standard work day. Starting times are generally not to begin before 6:30 a.m. and ending times are generally not to end after 7:00 p.m.

### B. Compressed Work Week

Employees work forty (40) hours in less than five (5) full work days. Examples of Compressed Work Weeks are:

- (4) 10 hour days
- (4) 9 hour days and (1) 4 hour day

Vacation and sick time will be charged based on an hour for hour basis. Example: An employee is scheduled to work ten (10) hours on a day that he or she requests to take as a vacation or sick day, therefore ten (10) hours will be charged against accumulated PTO or sick time for that day.

Employees who use leave such as bereavement leave or jury duty, receive the equivalent number of hours as provided for employees on a regular schedule. Example: An employee is scheduled to work ten (10) hour days and takes three (3) days of bereavement leave. The employee will receive thirty (30) hours of bereavement leave (3 days X 10 hours).

Departments will determine specific procedures for weeks in which a holiday occurs. These procedures must be approved by the City Administrator.

### C. Telecommuting

To be eligible to telecommute, typically, the nature of the employee's work must be such that face-to-face interaction with internal or external customers or project workgroups is minimal and the employee's tasks can be performed successfully away from the office.

Departments will determine the procedures to use for employees to account for work performed while telecommuting. These procedures must be approved by the City Administrator.

## 16.7 Special Stipulations Concerning Telecommuting

### 16.7.1 Expectations and Responsibilities of Employees

The employee is responsible for maintaining a safe and ergonomic working environment, including the work area, bathroom, and other areas that may be necessary for working during the telecommuting arrangement.

Employees may be called to work at their regular workplace on their regular telecommuting workday to meet workload requirements. The supervisor should provide as much advanced notice as possible. Under no circumstances will the time traveling from the employee's home to the workplace be considered as hours worked.

The duties, obligations and responsibilities of an employee who telecommutes are the same as employees at the centrally located workplace. Employees who telecommute are expected to be working at their home, or other approved location, during their telecommuting work schedule.

Telecommuting employees shall not hold meetings at their alternate workplace where the physical presence of others is required. Employees shall not conduct any unauthorized external (non-City) work during their telecommuting work schedule.

The employee shall participate in any City-sponsored telecommuting and/or technology training as requested by the employee's supervisor. The employee shall participate in any City evaluation of telecommuting.

Telecommuting shall not be used as a substitute for dependent or child care. Employees who telecommute are expected to make dependent and child care arrangements during the period they will be telecommuting.

### **16.7.2 Liability**

Employees who telecommute will be covered by worker's compensation for all job-related injuries occurring during their defined work period.

In the event of a job-related incident, accident or injury during telecommuting hours, the employee shall report the incident to their supervisor as soon as possible and follow established procedures to report and investigate workplace incidents, accidents or injuries.

Worker's compensation will not apply to non-job-related injuries that occur while telecommuting. The employee also remains responsible for injuries to third parties and/or members of the employee's family on the employee's premises. The City of Roswell will not be responsible for injuries to third parties or members of the employee's family that occur on the employee's premises.

Since the City is ultimately responsible for ensuring that employees have a safe work environment, safety inspections may be made of the alternate workplace as needed. If a job-related incident, accident or injury has occurred, a home safety inspection is mandatory.

### **16.7.3 Equipment and Supplies**

Computer and telephone equipment may be provided on an as-needed basis to employees, by the City, based on availability. Information Technology (IT) staff shall determine the equipment required.

The City may pay for or reimburse employees for software installed on City equipment if approved in advance by the employee's supervisor, Department Head, and IT staff. In such cases, the employee shall consult with IT staff to ensure the software conforms to the City's software policies.

Remote access to the City's network may be provided to the employee at the discretion of the IT staff based on the recommendation of the employee's supervisor and Department Head. If the City's remote access system includes Internet access or other dial-in services, the employee may only use this access or service in a manner consistent with City policies.

The City will provide routine maintenance and repairs for City equipment only if the equipment is returned to the employee's centrally located workplace. Maintenance and repair of equipment will not be provided at the employee's home or alternate workplace. The City will not provide maintenance or repairs for employee owned equipment.

The City will not pay for or reimburse the employee for any communications charges including but not limited to, local or long distance telephone calls or service, internet access or service, DSL charges, cell phone charges, etc.

Employees who telecommute may use City supplied office supplies such as pens, pencils, stationary, envelopes, etc. for work purposes. Necessary supplies should be obtained through the normal procurement process. Office furniture, toner, ink or paper for printers or copiers will not be provided to employees who telecommute.

Employees who telecommute are subject to the same City policies regarding the use of City provided equipment, supplies and services as that of employees at the centrally located workplace.

All equipment and supplies must be returned to the City upon conclusion of the telecommuting arrangement, or if the equipment or supplies are no longer needed by the employee to perform their work.

#### **16.7.4 Confidential Information**

The employee will maintain the confidentiality of City information and documents and prevent unauthorized access to any City system or information, and dispose of work related documents in a manner that will not jeopardize the interests of the City.

#### **16.7.5 Requirements for Requesting and Approval of Telecommuting**

Employees may request to telecommute by:

- Completing the Request for Flexible Work Arrangement
- Agreeing to the Special Stipulations Concerning Telecommuting
- Completing an Employee Self-Assessment
- Completing the Safety Checklist
- Completing the Telecommuting Agreement
- Submitting the request to their supervisor

The employee's supervisors must:

- Complete the Supervisor Assessment
- Discuss the Employee Self-Assessment with the employee to evaluate if telecommuting is a viable option for the employee
- Discuss the Supervisor's Assessment with the employee
- Document any exceptions the supervisor has concerning the Employee Self-Assessment and attach to the Supervisor's Assessment

Submit the request and all required documents/attachments following the approval protocol established by the Department. All required documents/attachments referenced above are available on the City's Intranet or in hard copy form from the Human Resources Division.

## Chapter 17 - City of Roswell Drug and Alcohol Free Workplace Policy

### Overview and Statement of Policy

The City of Roswell is committed to providing a safe work environment and fostering the wellbeing and health of its employees. That commitment is jeopardized when any City of Roswell employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Employee drug and alcohol abuse creates a serious risk of physical harm to employees, to persons who rely on the City of Roswell's services and to the public at large. Therefore, City of Roswell has established the following policy:

***The City of Roswell does not and will not tolerate any employee's possession, sale, distribution or consumption of alcoholic beverages or illegal drugs or any related paraphernalia, or the abuse of prescription medications, while on City property or while conducting City business at any time. Further, the City of Roswell does not and will not tolerate any employee being under the influence of alcohol or being impaired due to any illegal drug while on City property or while conducting City business at any time.***

### The intent of this policy is:

- To provide clear guidelines for handling incidents of employee's use of alcohol, drugs or other controlled substances that may affect job performance and to make every effort to institute and maintain a drug-free workplace.
- To ensure that employees conform to all state and federal regulations regarding alcohol, drugs or other controlled substances.

### Essential components of this policy are as follows:

- It is a violation of the City's policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
- It is a violation of the City's policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine illegal drugs in any detectable amount.
- It is a violation of the City's policy for any employee to report to work under the influence of, or impaired by alcohol.
- It is a violation of the City's policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. (Nothing in this policy precludes the appropriate use of legally prescribed medications.)

- Employees who violate this policy are subject to disciplinary action up to and including termination.

### **17.1 Prohibited Conduct**

The following violations of the Drug and Alcohol Free Workplace Policy constitute gross misconduct and shall result in severe disciplinary action up to and including termination:

1. Unauthorized use, possession, sale, or solicitation for the purpose of purchase/sale of drugs or alcohol on City property or while the employee is on duty.
2. Hindering, obstructing or refusing to cooperate or participate in any investigation involving suspected violations of this policy. This includes, but is not limited to, providing false, misleading or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy. It also includes refusing to undergo a required drug or alcohol test(s).
3. Hindering, delaying or obstructing a drug or alcohol test(s), including but not limited to, tampering with a sample or interfering in any way with the chain of custody.
4. Reporting to work or engaging in any work activity whatsoever on behalf of the City in a condition which could pose a threat of harm to the employee or any other person, or reporting to or engaging in any work on behalf of the City in a condition which could impair the ability to satisfactorily perform any essential function of the job, due to the use of drugs or misuse of alcohol. The presence of any detectable amount of drugs, or the presence of alcohol in a concentration of 0.04 breath alcohol content (BAC) or greater, creates a presumption that the employee is in violation of the City of Roswell Drug & Alcohol Free Workplace Policy. No commercial driver's license (CDL) or Safety Sensitive employee shall perform their safety-sensitive job functions within eight (8) hours after using alcohol.
5. Abusing or misusing prescription drugs or over-the-counter medication when such conduct could reasonably interfere with the safe or satisfactory performance of any essential job function. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale any prescription medication for which the employee lacks a valid prescription.

### **17.2 Prohibited Substances**

1. "Drugs" refers to marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), phencyclidine, and all other "controlled substances" as defined in Title 16 of the Official Code of Georgia.
2. "Alcohol" includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption, or any substance containing alcohol that one substitutes for such.
3. "Prescription drugs" means any substance, which is attainable only by lawful prescription from a physician.

4. “Over-the-counter medication” includes any substance which does not require a prescription but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person’s ability to safely perform any essential job function.

### **17.3 When Testing is Required**

**1. Pre-Employment:** Applicants for any City position, including positions requiring a commercial driver’s license (CDL) and/or safety sensitive positions, will be tested after a conditional offer of employment has been extended. An applicant who refuses a drug test(s) or who has a final result of a positive test, shall not be extended a final offer of employment.

**2. Random Testing:** CDL positions and safety sensitive positions shall be subject to random testing as follows:

- a) Tests will be ordered on a random, unannounced basis from the pool of identified CDL and safety sensitive employees.
- b) A computer-based random generator will be used to select employees, thereby allowing each employee an equal chance of being tested each time random testing is done.
- c) At least 50% of the employees in the CDL/DOT random testing pool will be selected for substance abuse testing each year, and at least 25% of employees for breath alcohol testing each year. Actual percentages will be as required by the Federal Highway Administration (FHWA).
- d) At least 10% and up to 50% of other City approved safety sensitive employees will be selected and tested for drugs and alcohol each year.
- e) An employee’s name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any CDL or safety sensitive employee, who is randomly selected for testing, may be randomly selected again during the same year.

**3. After-Care Testing:** Persons in CDL and safety sensitive positions returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Director of Human Resources for a period of six (6) months following the employee’s return to work.

**4. Return to Duty Testing:** CDL and safety sensitive employees who are absent from work on any leave for more than thirty (30) days shall be tested for drugs immediately prior to returning to work and before performing any job duties.

**5. Position Testing:** Employees who are transferred, promoted or demoted into a CDL or safety sensitive position from a non-CDL/non-safety sensitive position will be tested for drugs before performing any job duties in the new position.

**6. Reasonable Suspicion:** All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this policy.



Grounds for reasonable suspicion testing shall include, but not be limited to:

- a) Personal observation of the employee's job performance, appearance, behavior, speech or odor creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this policy;
- b) Personal observation of the employee's job performance, appearance, behavior, speech or odor which causes reasonable suspicion that the employee
  - (1) is impaired by drugs or alcohol,
  - (2) has used drugs or alcohol while on duty, or
  - (3) poses a threat to the safety of himself or others due to the use of drugs or misuse of alcohol in violation of this policy;
- c) Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. An alcohol test(s) should be completed within two (2) hours of the accident and a drug test(s) within thirty-two (32) hours of the accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:
  - (1) the appearance, behavior, speech or odor of the employee immediately prior to or after the accident;
  - (2) the employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
  - (3) the employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
  - (4) the employee was arrested or received a traffic citation;
  - (5) the employee or any person received medical attention as a result of the accident;
  - (6) the employee has been involved, as a contributing factor, in a pattern of repetitive on-duty motor vehicle accidents whether or not they involved actual or potential injury;
- d) Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident. An alcohol test(s) should be completed within two (2) hours of the accident and a drug test(s) within thirty-two (32) hours of the accident. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion:
  - (1) The appearance, behavior, speech or odor of the employee immediately prior to or after the accident;

- (2) The employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
- (3) The employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
- (4) The employee or any other person received medical attention as a result of the accident;
- (5) The employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury;
- e) Drugs, drug paraphernalia, alcohol or containers indicating the presence of drugs or alcohol are observed or discovered in a location in which the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles. The employee must have accessed the location within eight (8) hours prior to the discovery of such items.
- f) Specific and objective facts showing the employee diluted, tainted, tampered or interfered with any breath, blood or urine sample, or any test(s) required under this policy, or that the employee attempted to do the same.

#### **7. Post Accident Testing:**

- a) When a CDL employee or safety sensitive employee may have caused or contributed to an on-duty motor vehicle accident involving the loss of human life, or
- b) When a CDL or safety sensitive employee has been involved in an on-duty motor vehicle accident, where
  - (1) the employee has received a citation,
  - (2) medical attention is required and is administered away from the scene, or
  - (3) if a vehicle is towed from the accident site, an alcohol test(s) should be completed within two (2) hours of the accident and drug test within thirty-two (32) hours of the accident. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities.

#### **8. Consent**

When any employee has consented to a drug or alcohol test(s), an authorized person from the Human Resources Division or a supervisor from the employee's department will contact the facility to authorize the test(s). While generally this is done with the provider's documentation, there are circumstances where a verbal authorization is permissible.

#### 17.4 Who May Require a Reasonable Suspicion Drug or Alcohol Test(s)

1. Any supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may require an employee to undergo a reasonable suspicion test(s) for drugs or alcohol based upon
  2. (1) the personal observation of the employee by the trained individual, or
  3. (2) personal observation of the employee by another employee who has fully disclosed the observations to the trained individual, or
  4. (3) observation of the employee by a nurse or physician engaged in the treatment or evaluation of a work related injury who has disclosed such observation to the trained individual.
2. Any untrained supervisor may require a reasonable suspicion test(s) for drugs or alcohol based upon his/her personal observation of the employee, under the following circumstances:
  - a) The employee has been independently observed by a trained supervisor, or
  - b) A trained supervisor has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.
3. Any trained supervisor or trained member of Human Resources may require a reasonable suspicion drug or alcohol test(s) following a work-related accident based upon personal observation of the employee or upon review of the specific and objective facts underlying the accident.

#### 17.5 Persons Subject to Testing

1. **CDL Employees:** Employees who are required to possess a CDL license as a job requirement are subject to all testing provisions of this policy, including but not limited to, pre-employment and random testing.
2. **Safety Sensitive Employees:** Safety sensitive employees occupy positions where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates or others. Safety sensitive positions include but are not limited to those which, as part of the essential job functions, require the performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; providing emergency medical, rescue, or fire suppression services; interacting with incarcerated persons; performing duties essential to drug interdiction; or performing duties which directly affect public health or safety. A complete list of safety sensitive positions is maintained in the Human Resources Division and all class specifications for safety sensitive positions are designated as such.
3. **Job Applicants:** Applicants for City employment, including applicants for safety sensitive and/or CDL positions, are subject to pre-employment testing after a conditional offer of employment has been extended.

**4. Non-CDL/Non-Safety Sensitive Employees:** All non-safety sensitive and non-CDL employees are subject to drug and alcohol testing for reasonable suspicion unless specifically excluded.

#### **17.6 Procedures**

1. Whenever there is reasonable suspicion to require a drug or alcohol test(s) under this policy, the Department Head or designee and Human Resources shall be notified of the circumstances necessitating the test(s) as soon as possible.
2. All circumstances causing reasonable suspicion to require a drug or alcohol test(s) shall be fully documented by the supervisor(s) and all appropriate witnesses as soon as possible.
3. All City-issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively “materials”) are subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City issued materials. No personal property may be searched unless the owner of the property has consented or a search is otherwise legally permissible.
4. Alcohol screening will be conducted using a federally approved evidential breath-testing device. An initial screening test of two (2) breath samples will be conducted first, and if an initial test detects any level of alcohol, a second confirmation test of two (2) additional breath samples will be completed.
5. Ordinarily, a drug test(s) will check for marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), and phencyclidine (PCP). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis. Test results will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the U. S. Department of Health and Human Services (DHHS).
6. All positive test results for drugs will be interpreted by a physician approved by the City as a Medical Review Officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO’s inability to contact the employee before providing test results to the City will not void the test result or make the test result unusable in any subsequent disciplinary action. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.
7. Upon notification by the MRO of a verified positive result for drugs, the employee may request that the remaining portion of his/her split specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the employee is negative for the presence of drugs, a third test may be made at the City’s sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action.

8. The City will make reasonable efforts to notify the employee of a positive drug test within five (5) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
9. Any employee ordered to be tested, based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility and taken home (unless other suitable arrangements have been made to transport the employee, including calling a cab). Under no circumstances will the employee be allowed to drive himself home in a City vehicle. The employee shall turn in keys to a City vehicle, building or office, their identification badge or any other property belonging to the City. The employee shall be placed on administrative leave pending the results of the test. If the final results from the MRO are negative, the employee shall be compensated for the time they were scheduled to work while they were on administrative leave. If the final results from the MRO are positive, the employee shall not be compensated for the time on administrative leave.
10. An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, required to turn in keys to a City vehicle, building or office, identification badge or any other property that belongs to the City, placed on administrative leave, and sent home pending disciplinary action, if appropriate. After presenting the employee with the notice of administrative leave, strongly discourage the employee from leaving the facility in his/her own vehicle. A supervisor may take an employee home. If a supervisor is not comfortable taking an employee home, however, a cab may be called to come and take the employee home.
11. In situations in which the employee has been ordered to be tested or tests positive and the employee refuses assistance in leaving the building and walks out or insists on leaving in his/her own vehicle, document the situation and, depending upon the circumstances, call the Roswell Police Department's non-emergency phone number (770) 640-4100. Give the police the employee's name, vehicle description, and license plate number. However, if the employee is extremely agitated, violent or is making threats of violence, leaves the premises in a City vehicle or the supervisor believes the employee has violated the law, call the Roswell Police 9-1-1.
12. Any refusal to consent to a drug or alcohol test(s), or property search will be considered insubordination and gross misconduct and subject the employee to severe disciplinary action up to and including termination.
13. In the event that it is not reasonable under the circumstances to conduct an alcohol test, based on a breath test, the City reserves the right to test for the presence of alcohol by a blood test analysis. If this procedure is used, the City will attempt to notify the employee of the results within five (5) days after the results are received. An MRO will not be used when a blood test for alcohol is conducted.

### **17.7 Employee Assistance Program**

Any employee who voluntarily identifies himself as a user of drugs or abuser of alcohol, prior to being asked or required to take a drug/alcohol test(s), will not be subject to disciplinary action if the employee seeks immediate assistance and treatment through the City's Employee Assistance Program (EAP) or a similarly available treatment program. Failure to comply with all requirements of a

treatment program, or continued use of drugs or alcohol during or after completion of such a program, will result in an appropriate disciplinary action if such use causes the employee to violate this policy. Nothing in this policy is intended to discriminate against any person on the basis of addiction to drugs or alcohol, or on the basis of an individual's medical history of addiction to drugs or alcohol pursuant to the Americans with Disabilities Act (ADA). However, the City reserves the right to take into account, for purposes of employment or disciplinary action, any history of criminal activity related to such use to the extent such may lead to disqualification from employment.

### **17.8 Arrests for Drug or Alcohol Related Offenses**

Any employee who is arrested for a drug or alcohol related offense must notify his/her Department Head of the arrest immediately. The Department Head after consulting with the Director of Human Resources will make a determination at that time whether the arrest causes a temporary or permanent disqualification from holding that position, or constitutes grounds for disciplinary action. All convictions for alcohol or drug related offenses must be reported immediately by a CDL or safety sensitive employee to their Department Head. The City reserves the right to take appropriate action based upon such conviction.

All non-safety sensitive employees and non-CDL holders who are required to operate a City vehicle as a regular part of their job must report any drug or alcohol arrest, temporary or permanent suspension of driving privileges, and any drug/alcohol related conviction to their Department Head immediately. The City reserves the right to take appropriate action, including relieving the employee from duty, transferring the employee to a non-driving position, or instituting disciplinary action up to and including termination.

### **17.9 Confidentiality**

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an EAP program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action up to and including termination. The confidentiality of such information shall not apply to any use by or communication to the City Attorney, or where the information is relevant to the City's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

## **Chapter 18 - Policy and Procedures For Training and Related Travel**

### **18.0 Purpose**

The following policy is provided as a guide for City employees in determining acceptable uses of training and travel resources and the proper procedures to follow.

### **18.1 Policy**

The City of Roswell recognizes that training by City employees is necessary and desirable. An employee required to travel in connection with their job responsibilities is entitled to reimbursement of reasonable training and related travel expenses as detailed in later sections of this policy. Any exceptions to the policy must be approved by the City Administrator.

This policy applies to City of Roswell employees, elected officials, and agents employed by the City. This policy does not apply to the City's tuition reimbursement plan.

### **18.2 Registration Fees**

Whenever possible, employees are expected to take advantage of early registration discounts for all seminars, conferences, and other training.

The employee should pay the registration with a City procurement card, when the option is available. Otherwise, the City will prepare a check to be mailed or the employee may take the check for the training with them. Registration fees are reimbursable only when supported by a receipt.

### **18.3 Books and Materials**

The cost of books and/or materials required for training purposes will be paid for by the City. All books and/or materials paid for by the City become City Property. A copy of any written descriptions and requirements for books and materials must be attached to the initial Travel Request when submitted for approval.

### **18.4 Transportation**

Employees are to use the most economical but practical mode of transportation to arrive safely and on time for the scheduled training. The City's Vehicle Policy applies to all training and travel.

#### **18.4.1 City Owned Vehicles**

Whenever possible employees should use a City owned vehicle for travel. If a City vehicle is available and the employee elects to use their own vehicle, no mileage reimbursement is allowed. Receipts are required for all City vehicle expenses, including fuel.

### **18.4.2 Privately Owned Vehicles**

If no City vehicle is available, or if using a City vehicle is impractical, with the Department Head's approval, an employee may use their own vehicle for transportation to and from a training event.

Mileage must be submitted with the finalized Travel and Training Report.

The employee will be reimbursed for mileage at the rate most recently approved by the Internal Revenue Service (IRS). The mileage reimbursement rate compensates the employee for wear, tear, fuel, and other expenses, including insurance.

The City will reimburse for the cost of a direct round trip. Side or personal trips shall be excluded from the mileage reimbursement request. The initial point of departure will be the employee's residence or work whichever is nearer the destination.

The City assumes no liability for property damage incurred as a result of operation of personal vehicles. Therefore, if an accident occurs on City business in the employee's personal vehicle, the employee should report the accident to their personal automobile insurance carrier.

### **18.4.3 Airfare and Common Carriers**

If an alternative source of transportation is required, the most economical fare should be sought. Employees shall travel in "coach" class. Reimbursement will be for the exact amount of the transportation only. Any exceptions must be approved in advance by the City Administrator or his/her designee. Additional cost items such as refreshments, movie headsets will not be reimbursed.

Mileage for one round trip will be reimbursed between the City, or the employee's home, whichever is applicable, and the airport or other common carrier terminal location or off-site parking location. Mileage must be submitted with the finalized Travel and Training Report.

Limousine or taxi service to and/or from the airport or off site parking is discouraged. Such charges will not be reimbursed unless it is documented that this is the most economical form of transportation and approved in advance by the City Administrator or his/her designee.

### **18.4.4 Ground Transportation**

If a common carrier has been used to arrive at the destination and ground transportation is necessary, the employee is to utilize the most economical form of transportation. If there is any cost associated with ground transportation, receipts are required in order for reimbursement. Allowable forms of ground transportation are:

- Hotel Shuttle
- Airport Shuttle
- Public Transportation
- Taxi



### **18.4.5 Vehicle Rental**

A vehicle may be rented when it would be more advantageous to the City than any of the other means of ground transportation listed above.

Prior approval by the Department Head is necessary before renting a vehicle and must be noted on the Travel Request. Arrangements for vehicle rental should be made in advance to ensure the most economical rate.

City Procurement Cards issued with the employee's name imprinted on the card may be used to reserve and pay for vehicle rentals. When reserving a rental vehicle, the name on the card must match the name on the rental reservation.

The City will pay the cost for the rental of a mid-size vehicle. If traveling in a group, the reimbursement will be made on the appropriate size vehicle based on the number of City employees requiring transportation. Prior approval by the Department Head is required for any vehicle above the mid-size class.

Because automobiles rented for business purposes are covered under the City's Auto Insurance, the employee should carry a City Auto Insurance card in the event of an accident and notify the City's Risk Manager as soon as possible. Additional insurance should not be purchased from the rental car company as part of the rental agreement.

### **18.4.6 Parking**

The most economical form of parking should always be utilized and will be reimbursed only when accompanied by a receipt. Valet parking, when no other option is practical, is a reimbursable expense when accompanied with a receipt and supporting documentation.

Airport parking should be in the most economical manner. Employees will be reimbursed for parking and fare if MARTA is used for transportation to and from the airport.

**Receipts are required for all parking reimbursements.**

## **18.5 Meals**

### **18.5.1 Overnight Travel**

Employees traveling overnight will be paid a per diem amount based on the U. S. General Services Administration (USGSA) Per Diem Rates, which is designed to cover the cost of three (3) meals per day, including all taxes and tips. The City does not include Incidental Expenses as part of the per diem. If the destination city or county is not listed within the U. S. General Services Administration Per Diem Rates, then the standard continental United States location rate applies. A copy of the USGSA Per Diem Rate Table is available on the USGSA website.

Meals included in the cost of registration and meals provided by a common carrier will not be included as part of the per diem amount. Additionally, when a hot breakfast is included in the cost of lodging, per diem is not provided.

The per diem will be paid after the completion of travel unless a travel advance is requested. A travel advance request must be made no later than ten (10) working days prior to departure and requires the approval of the City Administrator or his/her designee. **Receipts are not required for per diem expenses.**

The per diem rate described above will be paid based on the following schedule for:

- Single day trips that are not local travel
- The day of departure for overnight travel
- The day of return for overnight travel

<b>Time of Departure</b>	<b>Meals Covered</b>
Before 6:30 am	Breakfast, Lunch, Dinner
Between 6:30 am – 1:30 pm	Lunch, Dinner
Between 1:30 pm – 7:00 pm	Dinner
After 7:00 pm	None

<b>Time of Return</b>	<b>Meals Covered</b>
Before 11:00 am	Breakfast
Between 11:00 am – 7:00 pm	Breakfast, Lunch
After 7:00 pm	Breakfast, Lunch, Dinner

**18.5.2 Local Travel**

Local travel is defined as travel inside a twenty-five (25) mile radius of the City or the employee’s home, whichever is applicable. Travel outside this radius is not local travel. The per diem for meals does not apply to local travel.

The City will pay meal costs for local travel only if the meal is included in the registration fee or is part of the official program and with proper receipts. The cost per meal is not to exceed the U.S. General Services Administration (USGSA) per diem rate for the specific meal.

The City does not reimburse for meals during the course of a normal work day, therefore if the local travel is one where the employee would normally provide their own meal, no reimbursement will be made.

Examples where meals will not be reimbursed include, but are not limited to, brown-bag lunch and learns, ribbon cuttings for city projects, continuing education or training classes held at the Roswell-Alpharetta Public Safety Training Center, travel to visit another government, transport prisoners or to conduct a site visit for a project.

## 18.6 Lodging

Reimbursement for lodging is not permitted for local travel unless special circumstances prove it is more practical for the twenty-five (25) mile radius requirement to be waived. **Prior approval by the Department Head is required** and must be noted on the Travel Request.

Employees should choose lodging that is reasonable in both cost and location and should always ask for the lowest rate possible. Employees may stay at lodging associated with the training seminar provided the employee is able to secure the conference group rate.

Lodging reimbursements will be made for actual lodging expenses only based on rates supported by the final statement/receipt.

It is the practice of the City not to require employees to share a room during training. However, in the event two (2) employees share a room, the cost of the room is to be calculated on a pro rata share per employee.

Reimbursement will cover only nights during which the event occurs. If travel and event schedules require that an employee arrive the evening before or depart the morning after an event, the City will pay for reasonable extra lodging.

Lodging receipts must be submitted with the finalized Travel and Training Report. If no receipt is submitted, the employee will be required to reimburse the City for the lodging expenses.

### 18.6.1 Hotel/Motel Tax & Sales Tax

Since the City is exempt from Hotel/Motel and Sales Tax within the State of Georgia, the employee should always specify that these taxes not be assessed. According to State law, the City qualifies for these exemptions only when payment is made by the City, not an individual. If an employee chooses to pay lodging expense personally and then seek reimbursement, the City will only reimburse the employee for the amount of the lodging expense less any taxes from which the City would have been exempted. It is the responsibility of the employee to provide a Hotel/Motel Tax and Sales Tax exemption form upon arrival. A copy of both exemption forms is available on the City's Intranet or in hard copy form from the Finance Department.

## 18.7 Travel Advances

If a travel advance is needed, the request must be made no later than ten (10) working days prior to departure. All travel advances require prior approval by the City Administrator or his/her designee. The maximum for travel advances is the per diem rate per day for the training event. Instructions on how to request a travel advance are included on the City's Intranet.

## 18.8 Use of Procurement Card

Employees are strongly encouraged to use their City Procurement Card for expenses which are allowable under the Procurement Card Program, such as registration fees, lodging, airfare, parking, etc. Expenses for which the per diem rate applies (i.e. meals) are not to be charged to the Procurement Card. Travel Procurement Cards may also be available for employees that have not been issued a

standard Procurement Card. Information on the Travel Card Program is available on the City's Intranet. Due to the time required for card issuance, it is recommended that any new card request be submitted at least three (3) weeks prior to departure.

## **18.9 Telecommunications**

Personal telephone calls, fax, long-distance and any other communication expenses are limited to a maximum reimbursement of \$5 per day. Additional costs associated with internet service are allowed for employees who are required to check their City email while on training. Any additional telecommunications charges are the responsibility of the employee.

## **18.10 Family Members or Guests**

Family members or guests may accompany an employee while on training or conducting City business out of town. The names and number of family members attending is required on the Travel Request. The employee is responsible for all additional costs incurred because of family members and/or guests accompanying them.

If there is an increase in the cost of lodging for additional occupants, the City will reimburse at the rate of a single occupant and the employee is responsible for payment of the difference between rates.

All transportation costs for family members or guests are the responsibility of the employee. If a vehicle is rented, and having family member(s) accompanying the employee requires a larger vehicle, the City will not reimburse for the additional costs.

If the attendance of family members or guests at a specific event is determined to benefit the City, expenses will be reimbursed under the same parameters as for employee travel. Any such determination will be made by the City Administrator or his/her designee in advance.

Documentation of expenses for the family members or guests is to be included on the finalized Travel and Training Report. These expenses must be clearly indicated with differentiation made between the employee's expenses and those of the family members or guests.

## **18.11 Procedures**

### **18.11.1 Before Travel and Training**

A Travel Request must be submitted to the Department Head no later than ten (10) working days before departure in order to obtain prior authorization for travel and training. An estimate of all costs must be itemized by category in the request and must be approved by the Department Head.

Travel Requests must be completed using the City's approved travel management system found on the City's Intranet page at [www.roswellatwork.com](http://www.roswellatwork.com).

A copy of the brochure or event outline must be attached to the Travel Request when submitted. This documentation must show the location, beginning and ending dates and times

for the event, costs, meals provided, hotel information and any additional information that is pertinent or required.

A Travel and Training Report is not required for the City's tuition reimbursement policy or in-house training conducted by the City unless otherwise specified.

### **18.11.2 After Travel and Training**

When travel and training is completed, a Travel and Training Report is to be completed and submitted for departmental approval with all required receipts and documentation attached.

After departmental approval, the finalized Travel and Training Report should be submitted to the Finance Department within ten (10) working days after return.

If the amount spent is greater than the amount already paid by the City, the difference will be paid to the employee.

If the City has already paid more than the amount that was spent, the difference must be reimbursed by the employee. The employee should contact the Finance Department to coordinate any reimbursements to the City.

**It is very important that the employee obtain receipts for all expenses exclusive of per diem. If a receipt is not provided to verify the expense, the expense may not be considered legitimate and could be denied payment or reimbursement by the City.**

### **18.11.3 Non-Reimbursable/Unallowable Expenses**

*This is not an inclusive list. All requests for reimbursement are subject to denial by the City Administrator.*

- Tips and gratuities (these are factored into the allowed daily per diem rate).
- Alcoholic beverages.
- Tobacco products.
- Medications including over the counter.
- Entertainment including airline headsets; concert, movie, theater, museum, theme park or sporting event tickets; in room movies or movie rentals.
- Souvenirs and unauthorized gifts or donations.
- Laundry or dry cleaning unless travel exceeds five (5) days (receipts are required).
- Courtesy bar items.
- Parking tickets, fines, fees or penalties or court costs associated with traffic or parking violations or any police action.
- Additional automobile insurance through a rental car company.
- Postage for non-work related items.
- Items for personal use including books, magazines, newspapers etc.
- Gym fees, club or recreational fees.
- Lost, stolen or damaged personal property.
- Room service in excess of per diem.
- Air travel and other personal trip insurance.

- Personal care items including toiletries, barber, hair dresser, manicurist, shoe polisher, masseur, etc.
- Repair, maintenance, washing or insurance on personal vehicles.
- Bank charges including charges for ATM withdrawals.
- Any meal where the employee would normally provide their own meal.

## **18.12 State and Federal Requirements**

This travel policy is designed to comply with certain Internal Revenue Code (IRC) purposes and the laws of the state of Georgia, specifically O.C.G.A. § 36-35-4. This law requires that payments to government officials, including employees, that are in excess of “necessary” and “actual” expenses are to be considered compensation, rather than expense reimbursement. As such, this compensation would be subject to income tax withholding and payment of Social Security and Medicare taxes.

The IRC makes a distinction between travel policies that limit payments to expenses actually and necessarily incurred in carrying out official duties and plans that do not. These plans are classified as either “accountable” or “non-accountable” plans and determine how payments must be reported to the IRS as well as whether payments made pursuant to the plan are subject to income tax withholding and payment of Social Security and Medicare taxes.

For a travel policy to be considered “accountable” and be excluded from the definition of salary or compensation, it must meet ALL three of the following rules:

1. An employee must have paid or incurred deductible expenses while performing services as a City of Roswell employee; and
2. The employee must adequately account to the City for these expenses within a reasonable time; and
3. The employee must return any amounts in excess of actual expenses within a reasonable period of time.

The guidelines and procedures provided herein are designed to meet the minimum criteria of an accountable plan; therefore, payments made pursuant to this plan will not be considered salary or compensation and will not be subject to income tax withholding, and payment of Social Security and Medicare taxes.

## Chapter 19 - Vehicle Policy

### 19.0 Purpose

Vehicles owned by, titled to or otherwise under the control of the City are authorized for use in the performance of all essential travel and transportation duties. Unless specifically excepted under this policy, use is not authorized for unofficial travel duties or tasks or the transportation of unauthorized persons or items.

### 19.1 Authorized Use of Vehicles

1. Transport of officials, employees, clients, or guests of the City.
2. The performance of law enforcement duties.
3. When on official travel status, between place of official business and temporary place of lodging.
4. When on approved travel status between places of official business, temporary lodging, and places to obtain meals and medical assistance.
5. Transport of consultants, contractors, or commercial firm representatives when in direct interest of the City of Roswell.
6. Transport of representatives from Federal, State, or local government when in direct interest of the City of Roswell.
7. Transport of any person or item in an emergency situation.
8. Commute between place of dispatch or place of performance of official business to personal residence when specifically authorized by provisions of this policy as stipulated herein.
9. Transport of prisoners.
10. Transport of recreation program participants that are involved in a Recreation Department program if the program is required to be held off site.
11. "De Minimis" personal use such as lunch or an occasional stop for a personal errand on the way between a business delivery and the employee's home. Such personal use should not extend the length of dispatch by more than one-half ( $\frac{1}{2}$ ) of a mile.

### 19.2 Unauthorized Uses:

1. Travel or task performance of a personal nature, not connected with the accomplishment of official business.
2. Transport of family members

3. Transport of friends, associates, or other persons who are not employees of the City or serving the interest of the City.
4. Transport of hitch-hikers, except in the case of law enforcement personnel.
5. Transport of items of cargo having no relationship to the conduct of official business.
6. Extending the length of dispatch (more than one-half (1/2) mile) beyond that necessary to complete the official business purpose of the trip.
7. Transportation between place of residence and place of employment other than as specified in this policy.
8. Loan of vehicle for use in non-City authorized functions or to persons that are not on the City of Roswell payroll.
9. Transport of acids, explosives, weapons, ammunition, or highly flammable material except in the performance of an authorized task in the normal performance of duties.
10. Transport of any item, equipment, or cargo projecting from the side, front, or rear of the vehicle in such a manner as to constitute a hazard of safe delivery.
11. Transportation to and from training sites without approval granted through Training Report Process.

### **19.3 Driver Qualifications**

#### **19.3.1 Purpose**

The following policy is provided to establish acceptable guidelines for applicants and employees who operate City owned vehicles, or personal vehicles for official City business, as a required function of their position.

#### **19.3.2 Definitions**

***Driver*** – An employee who operates a City owned vehicle, or their personal vehicle, for official City business on a regularly scheduled basis. The Human Resources Division will maintain Motor Vehicle Records (MVRs) and copies of valid Driver’s Licenses for these employees.

***Occasional Driver*** – An employee who operates a City owned vehicle for official City business on a sporadic basis and / or their own personal vehicle transporting others for official City business. The Human Resources Division will maintain Motor Vehicle Records (MVRs) and copies of valid Driver’s Licenses for these employees.

***Driver’s License*** – A non-provisional, unrestricted license issued by the state or federal government authorizing the bearer to operate a motor vehicle.

The Department Head and the Director of Human Resources will confer on such positions and inform those employees of their designation as a Driver or Occasional Driver with an



explanation in writing. Those employees occupying such positions will be expected to adhere to the policy as outlined.

### **19.3.3 Procedures**

1. Prior to a driver or occasional driver operating a City owned vehicle, or their personal vehicle for official City business, the employee must submit a copy of a valid driver's license to Human Resources and have a copy of their motor vehicle record reviewed by Human Resources. Either as requested or if the information on the driver's license changes, the employee must submit a copy of their valid driver's license to Human Resources. Applicants will have their motor vehicle report reviewed prior to a final offer of employment.
2. New employees must submit a copy of their valid driver's license to Human Resources. Additionally, employees who are transferring, promoting, or demoting into a position which classifies them as a driver or occasional driver as defined above, will submit a copy of their valid driver's license prior to moving into the new position to ensure their motor vehicle report meets acceptable guidelines. The motor vehicle report will be a seven (7) year history of the driving record of the employee / applicant.
3. All drivers and occasional drivers will have their motor vehicle report reviewed by Human Resources, Risk Management, members of management and/or an applicable insurance company of the City of Roswell on a regular basis, at least annually or as needed, to ensure that it is within acceptable guidelines as outlined below.
4. As explained in Human Resources Policy 17.8 (Arrests for Drug or Alcohol Related Offenses), drivers and occasional drivers are required to report any drug or alcohol arrest, temporary or permanent suspension of driving privileges, and any drug/alcohol related conviction to their Department Head immediately. The City reserves the right to take appropriate action, including relieving the employee from duty, considering the employee for transfer to an available non-driving position for which they are qualified or instituting disciplinary action up to and including termination.
5. If a driver's license is revoked, restricted or suspended for any length of time this must be reported immediately to the employee's supervisor, Department Head and Human Resources.
6. Should a review of an employee's motor vehicle report determine that they are not within acceptable guidelines for operating a City owned vehicle, the City reserves the right to take appropriate action, including relieving the employee from duty, considering the employee for transfer to an available non-driving position for which they are qualified or instituting disciplinary action up to and including termination.
7. Employees, who are required to have a Commercial Driver's License (CDL) for their position, will have a query run through the National Drug and Alcohol Clearinghouse on at least an annual basis as required by the Federal Motor Carrier Safety Administration. For some employees an additional authorization will be required, employees will be notified individually if this is needed. An employee who is requested to provide additional authorization by the City of Roswell must do so within twenty-four (24) hours of being asked to do. If an employee does not log in and provide the additional authorization within a timely manner, they will be removed from all CDL duties.
8. Should a review of an employee's National Drug and Alcohol Clearinghouse report determine they are not permitted to operate a City vehicle as required by their position, the City reserves the right to take appropriate action, including relieving the employee

from duty, considering the employee for transfer to an available non-driving position for which they are qualified or instituting disciplinary action up to and including termination.

#### **19.3.4 Acceptable Guidelines for Motor Vehicle Reports**

1. Assessed Points – Employees’ and applicants’ driver’s licenses shall not have been assessed more than **six** (6) points within **twenty-four** (24) months preceding the date the motor vehicle report is run. In addition, the license shall not have been assessed more than **ten** (10) points within **forty-eight** (48) months preceding the date the motor vehicle report is run. For the purpose of this section, the points shall be computed by standards set forth by Georgia Code. **Note:** For the purposes of this policy, assessed points means the number of points assessed per violation within the prescribed time period and does not mean only the current points an individual has at the time of the report.
2. Driving Under the Influence - No employee or applicant can have been convicted for the offense of Driving Under the Influence (DUI) more than **one** (1) time within their **seven** (7) year motor vehicle report history. That conviction cannot have occurred within the **five** (5) year period prior to the date the motor vehicle report is run. For the purpose of this section, a plea of Nolo Contendere is considered a conviction.
3. Prohibited Traffic Convictions – Employees or applicants who have had within their driving history, convictions, or pleas of Nolo Contendere for the offenses of Hit and Run (or similar statute), Homicide by Vehicle, Fleeing/Attempting to Elude, or Habitual Violator will generally be excluded from operating a City owned vehicle. However, each offense will be reviewed on an individual basis, and an employee or applicant may be eligible for a driver or occasional driver position depending on the particular circumstances of the offense. In addition, employees or applicants must not have had a conviction of Reckless Driving, Racing, or equivalent charge from a state other than Georgia within the **five** (5) year period preceding the date the motor vehicle report is run. No employee or applicant may have a **seven** (7) year motor vehicle report history which reflects a recurring pattern of traffic violations, which may represent a perpetual disrespect for traffic laws.
4. Employees and applicants will not be considered for driver positions if they have a **seven** (7) year motor vehicle report history which displays a consistent or repeated lack of respect for traffic law and/or unsafe driving as determined by Human Resources.

#### **19.4 General**

City Vehicles are considered tools for performing the duties and requirements of a position. Allocation of City vehicles is based on the job requirements of a position. It is the responsibility of the Department Head to annually review the allocation of vehicles and to recommend to the City Administrator or his/her designee the need for a vehicle for a particular position, based on the work requirements of that position.

Vehicles may be assigned for use by a position either as an exclusive assignment (take-home) or as an eight-hour (or equivalent daily use) assignment. Determination of assignment of a vehicle to a position is at the discretion of the City Administrator based on the recommendation of the Department Head. The City Administrator or his/her designee may also designate specific vehicles as motor pool vehicles.

## 19.5 Vehicle Assignment:

Vehicle Assignment for business purposes may be categorized in the following manner:

1. Exclusive assignment
2. Eight hour (or equivalent) assignment
3. Motor pool

### 19.5.1 Exclusive Assignment

Exclusive assignment is defined as authorized use of a City vehicle by a designated City position for the purposes of effectively performing City business. This encompasses commuting to and from home and occasional incidental personal use.

In conjunction with the Department Head, the City Administrator or his/her designee will authorize which position is eligible for exclusive assignment of a vehicle and review on an annual basis if the exclusive assignment of a vehicle to any position is to continue.

In order to qualify for an exclusive assignment vehicle, the position must have job requirements that meet one (1) of the following three (3) categories:

- **Category One:** This category is for City Administrator, Deputy City Administrator and Department Head level positions where the Department regularly provides services seven (7) days per week and has assigned employees on duty during the seven (7) days whose response is essential in order to restore the required City services prior to the beginning of the next normal work day. Response on more than a casual basis is required and normally requires more than ten (10) responses per year.
- **Category Two:** This category is for positions that are on-call personnel, including deputy department heads, division heads, managers, supervisors or field technicians who regularly respond to emergency needs and whose response is essential in order to restore the required City services prior to the beginning of the next normal work day. Response on more than a casual basis is required and normally requires more than ten (10) responses per year.
- **Category Three:** This category is for positions in the Special Investigations unit of the Police Department and for the officer(s) assigned to the D.E.A. Task Force, or those employees who qualify under the Assigned Car Program of the Police Department.

### 19.5.2 Eight-Hour (or Equivalent Daily) Assignment

Eight-hour (or equivalent) assignment is defined as the assigned use of a City vehicle by a designated position for the efficient and effective performance of City business during normal work hours. Such assignment allows for use of the City vehicle for authorized uses with the exception of commuting between normal work site and personal residence.

Vehicles may be assigned to individual positions on an eight-hour (or equivalent) assignment where it is necessary to conduct City business, and where such assignment results in less cost to the City than reimbursing for the expenses incurred in the use of a private vehicle for City business, or is deemed to be more practical by the City Administrator or his/her designee.

An eight-hour (or equivalent) assignment of a City vehicle may be approved when:

- a. A vehicle is needed and used extensively each working day (more than six (6) hours);
- b. It is less expensive to furnish a vehicle than to pay mileage based on the number of miles traveled;
- c. The nature of work prevents the sharing of a vehicle by more than one (1) employee in a position.
- d. The nature of the work performed by the position may cause unusual depreciation and wear on a personal vehicle;
- e. The nature of work performed by the position requires a vehicle to be driven in sites or under conditions which would endanger privately owned vehicles.

### **19.5.3 Motor Pool**

Motor pools may be established at the direction of the City Administrator or his/her designee in order to provide vehicles for use on an as needed or periodic basis. The City Administrator will determine if it is in the best interest of the City for a vehicle to be considered a pool vehicle for primary use by an individual department or shared for primary use by several departments or by the City as a whole.

The following special rules shall be in effect:

- Motor pool vehicles must only be used for authorized uses as noted in Section 19.1 of this policy.
- Motor pool vehicles cannot be used by an employee to travel to and from lunch unless it is a business lunch.

### **19.6 Minimum Business Miles Driven**

For each year a position is assigned a vehicle, the position should drive a least 6,000 City business miles. If, after one year of assignment, a position fails to drive 6,000 City business miles, the City Administrator or his/her designee may revoke the vehicle's assignment to the position.

The minimum number of miles specified refers solely to those miles driven exclusively for conducting City business. Miles driven between employee's residences and their work site are not City business miles, but are considered official commuting miles as defined by the Internal Revenue Code.

If the total City business miles driven by a position assigned a vehicle fails to exceed the 6,000 City business miles in a year, written justification must be provided to the City Administrator or his/her designee specifying the reason the vehicle was driven less than the minimum amount in order for the position to continue being assigned a vehicle.

Examples of appropriate justification are:

- Has special equipment, or is used to transport special equipment, which is too large or heavy or has special features which make it impractical to be transferred between vehicles or between a vehicle and a fixed location.
- Position must be able to respond quickly to emergency situations as part of their job requirements.

## **19.7 Use of City Vehicle for Training Assignment**

City vehicles may be used by employees for training assignments. Subsequent to approval according to the City's travel and training policy, employees may be assigned a city vehicle to use to attend a training course, seminar or conference.

## **19.8 Use of Personal Vehicle for City Business**

Personal vehicles may be used occasionally for official City business with approval of the Department Head or City Administrator. Approved officials or employees who use their personal vehicles for City business may be reimbursed on a per mile driven basis. Mileage for transit between home and work does not qualify for reimbursement unless specifically noted in this policy.

The rate of reimbursement shall be established at the beginning of each fiscal year (July 1) depending upon the current rate used by the Internal Revenue Service and approved during the budget process.

Accurate and substantiated mileage records must be maintained and submitted to the Finance Department for reimbursement. Acceptance of reimbursement by an employee gives the City certain rights of verification of authorized uses.

Personal vehicle use by employee/positions when commuting in response to an emergency return to work call back may be reimbursed for mileage at the approved rate.

Mileage reimbursement is not permitted for employee/position called to work to fill in for shift workers who may be absent or because more than the normal number of assigned workers to a shift are needed for any reason.

Personal vehicles may be used for training assignments according to the City's travel and training policy.

The City does not assume any liability for bodily injuries or property damage the employee may be personally obligated to pay arising out of an accident during the operation of his/her own vehicle on City business. The travel/mileage reimbursement to the employee for the operation of his/her vehicle on City business includes the allowance for the expense of automobile insurance. Employees using personal vehicles on City business are required to have at least the minimum liability limits of insurance as required by Georgia law. The City does not specify and assumes no responsibility for types and limits of coverage on employee vehicles, since this is a matter of individual preference.

If an employee in his/her personal vehicle is involved in an accident in which another party is at fault, the City will not become involved in the reporting and settlement of any insurance claim that results against the at-fault party.

## **19.9 Driver Responsibilities**

All drivers who operate vehicles owned by, titled to, or otherwise controlled by the City are responsible for the proper care, use, and safety of City property.

Drivers must adhere to the following minimum responsibilities:

1. Possess and maintain valid State of Georgia Driver's License or a valid license in their state of residency approved for the class appropriate for the vehicle.
2. Obey all traffic laws and practice safe courteous driving.
3. Ensure that vehicles are used for authorized purposes only.
4. Follow accident reporting procedures.
5. Accept legal responsibility for violations and fines resulting from actions of the driver. This includes illegal parking tickets.
6. Consumption of alcoholic beverages within an eight (8) hour period prior to driving the City vehicle is not permitted. Violators of this particular responsibility are subject to disciplinary action up to and including termination.
7. Ensuring the vehicle is maintained by coordinating maintenance as needed with the Fleet Services Division and the vehicle is kept cleaned and free of trash and debris.

## **19.10 Distracted Driving**

### **19.10.1 Purpose**

The City of Roswell requires its employees to operate vehicles with a heightened level of awareness and responsibility to ensure the safety of the employee, other employees, and the public, and set a good example to other vehicle operators. The purpose of this policy is to increase employee safety, reduce unnecessary risks while driving, and reduce the likelihood and / or severity of motor vehicle accidents. The City of Roswell deeply values the safety and well-being of all employees and citizens.

Employees' first responsibility as a driver is to pay attention to the road to ensure their safety and the safety of others. Distractions may come in a variety of ways.

- Cognitive Distractions – when a driver's mind becomes unsafely distracted while driving or operating vehicles / equipment.
- Physical Distractions – when a driver removes their hands and / or feet off the controls while driving or operating vehicles / equipment.
- Visual Distractions – when a driver takes their eyes away from the road or area where they should be focused while driving or operating vehicles / equipment.

These distractions include but are not limited to the following behaviors:

- Eating – when the driver must take their hands off of the steering wheel
- Reading – this includes reading from electronic devices and reading paper materials
- Talking to passengers - if the behavior is distracting the driver from their primary responsibility of operating the vehicle in a safe manner
- Smoking

### **19.10.2 Policy**

Employees are prohibited from engaging in behaviors that will distract them from driving when they are operating a City owned vehicle, City controlled vehicle or their personal vehicle for City business. Driving includes when the vehicle is in motion and when the vehicle is idle due to traffic congestion or traffic signals. Employees are expected to comply with current state and / or federal laws in regards to operating a vehicle and using any device which may result in distracted driving.

If an employee must engage in an activity, which will distract them from driving, they must locate a safe location to pull the vehicle over and turn the vehicle off. Safe locations include parking lots, curbside of residential streets or other curbside areas of low speed and low traffic volume locations. Additionally, a driver may permit a passenger to address the distraction so long as it does not distract the driver from their primary responsibility of operating the vehicle.

### **19.10.3 Exception**

While the Distracted Driving Policy will apply to all City employees, there are certain exceptions to it including:

- All City vehicles responding to an emergency are excluded from this policy. Using a hand-held mobile cell phone is permissible by drivers when necessary to communicate with law enforcement officials or other emergency services.

Failure to comply with this policy may result in disciplinary action up to and including termination. An employee's privileges to drive a City vehicle may be revoked. If an employee's driving privileges are revoked, the City reserves the right to take appropriate action, including relieving the employee from duty, considering the employee for transfer to an available non-driving position for which they are qualified or instituting disciplinary action up to and including termination.

## **19.11 Vehicle Identification**

City vehicles are to be appropriately marked as required by the State of Georgia. All markings must be approved by the City Administrator or his/her designee. All City vehicles are to be white, except for those specifically approved by the City Administrator or required by law, ordinance or other official action to be of another color i.e. fire trucks, police cars.

## **19.12 Replacement Criteria Guidelines**

Vehicles selected by the City for replacement should conform with good life-cycle management practices. The City Administrator or his/her designee will make final determination concerning replacement of vehicles based on recommendations and determinations made by the Department Head in conjunction with the Fleet Services Division as detailed below.

1. When the Fleet Services Division determines that the cost of ownership will begin to exceed the value, replacement recommendations will be made to members of the appropriate management team for inclusion in the budget.
2. A vehicle may be considered for replacement regardless of age or mileage if it is unsafe and/or deemed economically not repairable.

### **19.13 Sustainability Goals**

When a vehicle has been identified as meeting the criteria for replacement and is recommended for replacement in a specific fiscal year, it shall be replaced with a hybrid vehicle when the following criteria are met:

1. The use and function of the vehicle is such that it will not prohibit or substantially diminish the specific function or intended use if a hybrid is acquired; and
2. When, after analyzing the life-cycle cost, the total expense of the hybrid vehicle does not exceed the total expense of the cheapest option by more than ten percent (10%).

### **19.14 Vehicle Idling Policy**

#### **19.14.1 Purpose**

The purpose of this policy is to establish guidelines to eliminate the unnecessary idling of vehicles by City staff as part of an effort to reduce fuel consumption and reduce the City's environmental footprint.

An idling vehicle gets zero (0) miles per gallon. Idling vehicles produce unnecessary pollution that contribute to smog and health problems, causes premature engine wear and wastes fuel, which increases costs to taxpayers.

When a vehicle will be stopped from more than thirty (30) seconds, turning off the engine can have a dramatic impact on fuel consumption and the environment. All City departments will implement the Vehicle Idling Policy for all City vehicles as outlined below.

#### **19.14.2 Policy**

This policy applies to all employees while operating any City owned or City controlled vehicles unless otherwise listed as an exception below. It is recommended employees adhere to this policy at any time they are performing City business in a vehicle that is not owned by the City.

Appropriate use of City vehicles includes the following:

- Vehicles will not park with the engine operating for more than thirty (30) seconds unless it is essential to the performance of the work being performed.
- Initial "warm up" idling should be minimized. If a vehicle's windows are clear, driving should start after no more the thirty (30) seconds.
- Initial "warm up" for diesel vehicles should be limited to three (3) to five (5) minutes, or as otherwise recommended by the vehicle's manufacturer.
- If the vehicle is going to be stopped for more than thirty (30) seconds, except as required while operating the vehicle in routine traffic, the engine should be turned off as idling for more than ten (10) seconds uses more fuel than it takes to restart the vehicle.

#### **19.14.3 Exceptions**

Due to the diverse nature of the City's vehicle fleet, exceptions are needed to the Vehicle Idling Policy. The provisions of the policy do not apply to:

- Emergency vehicles, such as public safety vehicles while engage in operational activities;
- Vehicles that are required to idle in order to power ancillary equipment mounted on the vehicle without risking damage to the battery;



- Public safety vehicles performing emergency operations, but only when the vehicle must be operating for the warning device or emergency systems to function;
- Vehicles equipped with temperature sensitive equipment;
- Public safety vehicles transporting prisoners, victims, or witnesses, or when performing traffic control;
- The primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation of equipment required for job performance;
- A motor vehicle forced to remain motionless because of traffic conditions over which the operator has not control;
- The primary engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- The primary engine of a motor vehicle when necessary to operate defrosters, heaters, air conditioners or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;
- During a period of any emergency, such as a tornado, ice storm, flood, or any other act of nature, the requirement may be waived by the Department Head or designee.

#### **19.15 Surplus of Vehicles**

The first consideration shall be to surplus the vehicle for potential use by another department or division for an appropriate purpose. If there is no immediate need by another department or division, or if the vehicle is determined by the Fleet Services Division to be of no future use to the City, the Finance Director shall recommend to the City Administrator or his/her designee the appropriate method of disposal of the vehicle.

#### **19.16 Vehicle Tracking Technology**

The City reserves the right to place Global Positioning System (GPS) and/or other electronic tracking devices on City vehicles. These devices may be used to monitor work patterns and productivity, driving history, fuel consumption, to locate City vehicles in case of theft, or for any other legitimate business reason. The City may place devices on any or all City owned vehicles with or without the knowledge of the employee to whom the vehicle has been assigned. City employees driving City owned vehicles, have no expectation of privacy in the use of such vehicle.