

City of Somerset

Employee Handbook

City & Employment Policies and Procedures

Adopted by Reference/Incorporation in Ordinance No. 08-15

This Handbook becomes Effective _____, 200__.

ATTENTION:

Nothing in this Handbook shall supersede state or federal law. If there are any conflicts between this Handbook and state and/or federal law that are not reconcilable, the state and/or federal law will take precedence over the contents of this handbook.

Created May, 2007.

Updated October, 2008.

[About This Handbook](#)

The following pages contain information regarding employment policies and procedures of the City of Somerset (also referred to as the "City"). ***This is not an employment contract and is not intended to create contractual obligations of any kind.***

The policies and procedures outlined in this handbook will be applied at the discretion of the City of Somerset and the City reserves the right to deviate from the policies and procedures of this handbook, or to withdraw or change them, at any time, so long as such is done through appropriate action of the Council. The City will notify all employees when an official change in a policy or procedure has been made by the Council.

The City of Somerset values the many talents and abilities of its employees and seeks to foster an open, cooperative and dynamic environment where employees and the City alike can thrive. If you would like further information or have questions about any of the policies and procedures outlined in this handbook, please feel free to bring them to the attention of the Human Resources Officer.

This handbook is applicable to all City employees with the exclusion of: elected officials; members of boards and/or commissions; consultants, advisors, and/or persons rendering temporary professional services; independent contractors; and members of volunteer organizations. Although temporary, seasonal, and part-time employees of the City may not be eligible to receive benefits as set forth in this handbook, they are still subject to all rules, policies, and procedures set forth herein, including but not limited to the City's Drug and Alcohol Policy.

Pursuant to KRS 83A.180, 83A.130(3), and OAG-82-385, the Mayor is the chief executive and administrative officer of the City and therefore all executive and administrative power is vested in the Mayor unless state or federal law dictates otherwise. Under said statute, the Mayor has the authority to hire/appoint all employees in the City, without Council approval. *However*, any and all positions determined to be a "non-elected office" by state statute or by the City of Somerset through a proper ordinance (KRS 83A.130(9), OAG 82-258, and OAG 82-248) *must* be approved by the Council. A person hired/appointed to such a position is subject to the approval of the council before they may begin work (KRS 83A.080(2)).

Pursuant to KRS 83A.130, the Mayor has the sole authority to supervise the day-to-day operations of the city and conduct of all city officers and employees. This includes the ability to conduct employee evaluations, grant raises, and make promotions of all employees, including employees who are non-elected officers by statute or ordinance (OAG 82-385). If the Mayor chooses to share or delegate his authority to subordinate officers, such as a supervisor and/or manager of a department, those persons shall make recommendations for raises and/or promotions (KRS 83A.130(7)). Those persons may make recommendations to the Mayor as he/she feels is needed, or shall make recommendations if requested by the Mayor. The Mayor may approve or disapprove the request for a raise or promotion, or may require the supervisor and/or manager of a department to make further recommendations. The Mayor, according to law, shall have the final approval of any and all raises and/or promotions in regards to the employees of the City.

The Pay and Classification Plan enacted by ordinance by the Council shall dictate the positions available in the city, the number of each of those positions available, and the pay range available for each of those positions (KRS 83A.130 and KRS 83A.070). The Mayor *shall not* hire/appoint an employee for a position not accounted for in said plan and must determine a pay amount for an employee within the salary limits of said plan (OAG 82-385). Further, the Mayor shall not promote or permit a raise outside of the established positions and salary limits of said plan (OAG 82-385, OAG 82-184, OAG 81-272). All changes to the Pay and Classification Plan shall be made by the Council through a proper amendment of the Pay and Classification Plan Ordinance. Changes/Amendments to the Pay and Classification Plan shall not affect this Handbook and shall not change any policies/procedures set forth herein. This Handbook can only be changed through a proper amendment to the Ordinance adopting said Handbook by the City Council.

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Standard Employment Practices

At Will Employment

The City of Somerset does not offer tenured or guaranteed employment. Unless the City has otherwise expressly agreed in writing, or your position is a statutory exemption from the at-will doctrine, your employment is at-will and may be terminated by you or by the City of Somerset at any time, including both before and after your evaluation period. Said termination may take place without cause, and without a hearing before the Council in regards to the termination, so long as an ordinance or statute is not in effect stating that good cause is required for termination from your particular employment position. If good cause is required in regards to termination, you may be eligible for a hearing before the legislative body. The hearing will only determine whether good cause exists as to the termination as the council cannot reinstate you under the law to your employment position. Such a hearing is often referred to as a “clearing your name” hearing and affords you the opportunity to voice your side of the situation. If you have a question in regards to your situation, you should immediately contact the City Attorney, or a private attorney for legal advice.

Please note that City Police and Fire employees, including clerical and maintenance employees in said departments, are afforded certain protections under the law that in certain situations can affect those employees’ “at-will” status. Please refer to the section regarding said matters in the Disciplinary Section of this handbook or speak with the Human Resource Officer to determine if your at-will status may be altered in any way.

Equal Employment Opportunity

The City of Somerset is an Equal Opportunity/Affirmative Action employer. The City will not tolerate discrimination against any employee because of race, color, national origin or ancestry, gender, age, religious convictions, or disability.

The City is committed to providing equal employment opportunities to all individuals without regard to race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, or any other characteristic protected by law. For further information about the applicability of Federal Equal Opportunity Laws, including the Americans with Disabilities Act, the Equal Pay Act, the Age Discrimination in Employment Act, see Exhibit “D” in the Appendix of this handbook.

The City of Somerset does not discriminate on the basis of gender in compensation or benefits for women and men who work in the same establishment and perform jobs that require equal skill, effort, and responsibility and which are performed under similar conditions.

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. An employee with a disability for which reasonable accommodation is needed should contact a Human Resources Officer to discuss possible solutions.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of a Human Resources Officer or the City Attorney. Employees can raise legitimate concerns and make good faith reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including possible termination.

Sexual and Other Unlawful Harassment

The City of Somerset will endeavor to maintain a work environment that nourishes respect for the dignity of each individual. This policy is adopted in furtherance of that tradition.

It is against the policies of the City for an employee to harass another person because of the person's sex, race, color, religion, national origin, age, disability, sexual orientation, marital status, or other characteristic protected by law. Actions, words, jokes, or comments based on such characteristics will not be tolerated.

Consequently, it is against the policies of the City of Somerset for an employee to sexually harass another person. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or environment.

Any employee who believes that he or she is being unlawfully harassed should immediately contact their supervisor, Department Head, or the Human Resources Officer.

All complaints of harassment will be promptly, thoroughly and confidentially investigated and, where necessary, appropriate corrective action will be taken. Any person found to have unlawfully harassed another employee will be subject to appropriate disciplinary action, up to and including possible termination.

Immigration Law Compliance

The City of Somerset does not hire anyone that is not a citizen of the United States, unless the individual is a non-citizen who is authorized to work in the U.S under the Immigration Reform and Control Act of 1986. As a condition of employment, all new and re-hire employees must show valid proof that they are eligible to work in the United States. An overview of the Immigration Reform and Control Act can be found at Exhibit "E" in the Appendix of this handbook.

Criminal Convictions

The City of Somerset reserves the right *not* to hire or retain anyone that has been convicted of a criminal offense. Any employee convicted of a crime, whether involving dishonesty, drugs, or other unrelated offenses, must give their supervisor or the Mayor notice within 5 days of the conviction. Failure to report a criminal conviction may result in immediate termination from employment. A decision as to the employee's status with the city will be made by the Mayor or his designee within 30 days of receiving said notice. Before any decision is made, the nature of the crime and circumstances surrounding the conviction will be considered by the Mayor or his designee. The employee may be terminated, suspended, or if the conviction involved drugs or alcohol, the employee may be required to attend and satisfactorily complete a certified drug abuse assistance or rehabilitation program in order to retain employment with the city.

Please note that any conviction of a crime that involves dishonesty may result in an automatic termination of employment. Further, convictions that involve the manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol may also result in automatic termination of employment.

Evaluation Period

During the first six months of your employment with the City of Somerset, or the first six months in a new position after changing positions, you will be in an "evaluation period." During this time, your supervisor and/or the Mayor will continually evaluate your performance and compatibility with the City of Somerset.

Should your performance not meet the standards set forth by the City or your supervisor, your employment may be terminated if you are a new employee, or if you are an employee that was transferred or received a promotion, you may be returned to your prior position or one of equal standing. If you are a new employee and are terminated, or you are an employee that received a transfer or promotion and are returned to your previous job or to one of equal standing, you do not have a right of appeal under the law if the return occurred during the evaluation period.

Upon satisfactory completion of the evaluation period, you may be eligible for additional benefits or a pay increase if applicable. You should check with the Mayor and/or the Human Resources Officer for more information regarding benefits and pay increases.

Standards of Conduct

The City of Somerset expects that all employees conduct themselves in a professional and ethical manner. An employee should not conduct business that is unethical in any way, nor should an employee influence other employees to act unethically. Furthermore, an employee should report any dishonest activities or damaging conduct to an appropriate supervisor.

In the event that you become aware of another employee's behavior or actions, which you believe are inappropriate, illegal, problematic, or in any way inhibit or affect your job performance or the City's work environment, you should discuss such behavior or actions with the Mayor, the Human Resources Officer, or other appropriate management personnel.

All reasonable concerns will be promptly, thoroughly and confidentially investigated by the City and, where necessary, appropriate corrective action will be taken. You should not discuss such actions or behavior with other City employees. Your discussing such matters with other employees may – in and of itself – create an unacceptable work environment for which you will be held responsible and for which you may be disciplined in accordance with City's disciplinary policy.

Personnel File

The City of Somerset keeps personnel files on each of its employees. These files are confidential in nature and are managed by a Human Resources Officer and will be kept for a period in accordance with state record retention schedule as set by the Kentucky Attorney General's Office.

All employees may view his or her personnel file by contacting a Human Resources Officer during normal business hours. However, said file will not be removed from the premises unless there is a legitimate business or legal reason to do so. No employee may alter or remove any documents contained in his or her personnel file. A copy of said file or of documents contained therein will be provided upon request to the employee as required by law. The files will only be available to the Mayor, the employee's department head and/or supervisor, the employee, or the Human Resources Officer. Even upon an Open Records Request being filed in regards to an employee's file, only certain items are permitted by law to be released and the city will follow all laws to ensure the employee's privacy is protected.

The following list is not exhaustive, but is an example of items that may be kept in your personnel file: your original application for employment; an up-to-date name, address, and phone number; title/position held; pay; previous changes in employment with the City; compliance with EEO-4 requirements; federal/state labor law requirements; departmental assignments; commendations; a copy of your high school diploma, GED, or other required degree and/or license; a signed Drug-Free Statement; a signed Certificate of Acknowledgment and Receipt of Understanding found at the end of this Employee Handbook

General Policies and Procedures

Job Announcements

When a job vacancy occurs in the City, an internal announcement of the position will be posted in order to give notice to all current employees. The notice shall be written and placed on all departmental bulletin boards for a term of 5 business days. The notice shall include information such as the position title, summary of duties, required or recommended qualifications, pay range as set forth in the city's pay and classification plan, and the time limit to apply. Anyone interested in applying for a posted job should contact the Human Resources Officer to fill out an application and other paperwork necessary.

If it is determined by the Mayor and the Human Resources Officer that an external announcement is in the best interests of the City following an internal announcement, said external announcement will be made in a variety of ways, including but not limited to, an advertisement in a newspaper of general circulation in the City, County, or elsewhere in the state or country as needed; and posting vacant positions with the local state office of unemployment or with local job and/or temp agencies.

When federal or state grants require advertising for a particular vacant position, the Human Resources Officer shall make sure all advertisements/announcements are in compliance with said grants.

All applications received shall be forwarded to the Mayor and the Department Head for discussion of the applications as needed. The Department Head should discuss any applicant with the Mayor before extending an invitation for interview or further application process. The Mayor shall have the final approval of any and all job offers made within the City of Somerset.

Application Process

All potential employees are required to submit an employment application with the Human Resources Officer on the form provided to the employee by said officer. The employment application, and any additional paperwork required by the Human Resources Officer, must be signed and dated where indicated and turned over to the Human Resources Officer prior to beginning work.

In addition, all persons to which a full-time offer of employment is made will be asked to submit to a physical examination which includes a pre-employment drug screen prior to beginning his/her employment duties. Persons offered part-time, temporary, or seasonal employment may or may not be required to submit to a physical examination and/or pre-employment drug screen at the discretion of the Mayor and/or upon the recommendation of the Human Resources Officer. All pre-employment examinations and testing shall be at the expense of the City.

All potential employees may be subject to reference and background checks at the discretion of the Mayor and/or upon the recommendation of the Human Resources Officer. Any person found to have provided false information during the application process through misrepresentation or omission of essential facts, or whose references are not satisfactory, will more than likely not be considered for employment with the City.

All information gathered in the application process, as well as the application itself, is confidential and not subject to an Open Records Request according to law and will not be released, UNLESS the successful applicant's information and/or application is sought. The successful applicant's file is subject to Open Record's Requests upon the applicant accepting the position. However, all rules as to confidentiality and HIPPA will continue to apply to successful applicants and only certain information will be released as required by law.

Orientation

In accordance with federal law, both new employees and re-hires will be required to provide documentation of identity and eligibility to work in the United States at their orientation with the Human Resources Officer. The

I-9 form will be provided to all applicants and will be used for this purpose. The completed form should be provided to the Human Resources Officer on, or prior to, the first day of work.

New employees will also receive a copy of the Employee Handbook and will be given time to read it and ask any clarifying questions of the Human Resources Officer. An "Acknowledgement & Receipt of Understanding" form (See Exhibit "A" in the Appendix of this Handbook) in regards to the Employee Handbook will be provided to all employees at orientation and a signed copy of said form shall be placed in the employee's personnel file prior to that employee beginning work.

Department heads and supervisors are expected to provide orientation to all new employees in their department in regards to the specifics of the job and the department's expectations regarding the job the person has been employed to perform.

Residency Requirements

All full-time employees of the City of Somerset should refer to the current ordinance addressing residency requirements and exemptions regarding employees of the city. Because the ordinance may be amended, altered, or appealed upon a proper action by the City Council after the effective date of this handbook, the requirements will not be set forth in detail in this section. However, employees should check the appendix of this handbook or with the Human Resources Officer for a copy of the current applicable ordinance.

Reporting Changes

You are responsible for promptly notifying the Human Resources Officer of any change in your name, address, telephone number, citizenship, tax withholding allowances, emergency contact information, insurance beneficiary, or dependent insurance coverage. Accurate and correct information is vital for benefits and insurance records and other Human Resources requirements.

General Employee Definitions

Employees of the City shall belong to one of two major categories according to Federal Law: "Exempt" and "Non-exempt." This handbook applies to both Exempt *and* Non-Exempt employees unless stated otherwise.

- (1) Exempt employees are generally salaried, although receiving a salary doesn't automatically mean an employee is exempt. The determination of whether an employee is exempt is based on whether the job falls into one or more of the following four classifications: executive, professional, administrative, or sales. If the employment position falls into one of these categories, the employee is exempt from the applicable provisions of state and federal wage and hour laws (FLSA) requiring that overtime be paid. This means that in most circumstances, they are not eligible for overtime pay even if the workweek exceeds 40 hours. The Human Resources Officer or the Mayor will determine which employment positions are exempt and which positions are not exempt for overtime purposes with the help of the City Attorney, and according to current state and federal wage and hour laws (FLSA).
- (2) Non-exempt employees are eligible to receive overtime pay in accordance with state and federal wage and hour laws (FLSA). These employees are required to provide all overtime information on their required time sheet or time card, with all overtime hours having been approved by the appropriate supervisor. The purpose of this reporting requirement is so that the Human Resources Officer can track hours worked and calculate compensation appropriately.

Please note, if you are an employee of the Fire Department of the City, you are considered a non-exempt employee under the law. However, your overtime hours may be calculated differently than other employees based upon current laws and recommendations of the Kentucky Wage and Labor Board and the Kentucky State Fire Commission. Please see the Human Resources Director for details on how your overtime pay will be calculated by the City.

Employees of the City will also be assigned to one of four categories based on the number of required hours worked each week for their position and the nature of their employment. All employees should contact the Human Resources Officer to determine their eligibility of benefits offered by the City and to determine what hours are required for their particular position. For example, some full-time employees are scheduled to work 37.5 hours while others may be scheduled to work 40 hours in a work week. The following is a guideline for assigned categories:

- (1) Full-time: any employee that is regularly scheduled to work at least 37.5 hours a week or more.
- (2) Part-time: any employee that is regularly scheduled to work less than 37.5 hours per week.
- (3) Temporary: any temporary work that has a predetermined start and end date of employment.
- (4) Seasonal: any work that is for a predetermined period of employment of 6 months or less.

Pay Periods

The City has a pay period as designated by the Mayor and the Human Resources Officer. All employees will be paid on the designated day of each week for the hours worked during that pay period. When or if a pay day falls on a holiday, the City will attempt to pay employees the day before the holiday if possible. If you have questions regarding the City's current pay period and pay day, please contact the Human Resources Officer.

Payroll

All employees to which this Handbook applies will have federal and state taxes withheld from their wages as required by law.

Hours of Work

City of Somerset's standard work week for full-time employees is generally 37.5 to 40 hours a week depending on the particular employment position. However, all employees should note that the number of hours in a work week and employee work schedules may vary based on the City and/or the Department's needs. Employees may not deviate from the City or Department's hours of work, unless a manager or supervisor specifically approves such a request.

The City's general business hours are from 8:00 a.m. to 4:30 p.m., Mondays through Fridays. The City of Somerset's preference is for employees to work within this schedule. However, it is understood that exempt employees may be required to work extra hours to accommodate certain deadlines. If such extended hours are required, the City will allow some flexibility with the expectation that employees will make every effort to align their hours with office hours. This is in order to facilitate consistent and reliable availability for meetings and other interactions, which are elemental to the smooth operation of the City.

Any employees subject to an "on-call" status should see the Human Resources Officer to discuss if the employee can be paid for hours in which the employee was under said status according to the IRS and the Federal and State Wage and Hour Board.

Breaks

The City's supervisors and/or managers will determine appropriate lunch and dinner breaks of their employees per their needs. Typically, employees working for more than four consecutive hours are provided with a paid meal break of 30 to 60 minutes depending on the particular employment position. Breaks should be scheduled throughout the workday so as not to disrupt the business processes of the City.

Time Keeping

All hourly employees are required to use the time clock, logging time-in, time-out and any non-compensated breaks. Employees using sick or vacation time should log-out if the employee is leaving work after having logged-in. In cases where the time clock is out of service or unavailable employees will write their time down on a time sheet and have it signed by a manager or supervisor. If changes are needed to correct a time clock entry at any time, said changes must be made by the employee's supervisor or department head. It is strictly forbidden for an employee to sign a time-card/timesheet, or log-in/log-out for another employee.

All salaried employees, including managers, supervisors and department heads, are required to use a time sheet which should be signed/approved by their manager or supervisor before turning said sheet into Human Resources. If changes are needed to correct a time sheet entry after turning said sheet into the Human Resources Office, said changes must be made by the employee and initialed by the employee's supervisor or department head. It is strictly forbidden for an employee to fill out or sign another employee's time sheet.

All employees are required to submit time cards and time sheets to the Human Resources Officer as stated above on the designated day and time in order to be paid. Time Cards and Time Sheets will be the determining factor in what the employee is paid. Any employee who fails to follow these rules as to time keeping on time cards and time sheets, or who does not turn in a time card or time sheet as required, will not be paid until said requirements are met.

Each employee is required to notify the Human Resources Officer on the proper time card or time sheet of any sick leave, vacation leave, and any other leave, taken on the appropriate time sheet and/or time card as applicable. It is the employee's responsibility to make sure their time-card's clock record and written record on the card match. Time card clock records and written notes must match in order for the employee to receive the proper compensation and/or time-off benefit.

Tardiness/Disciplinary Actions for Tardiness

Employees are expected to report to work at the time and place scheduled. Infractions of this rule will not be accepted by the city unless circumstances which were beyond the control of the employee caused the tardiness or failure to clock in on time. Supervisors and/or department heads will make the determination of whether an incident is to be considered tardiness for work. The city observes a tardiness disciplinary process that is in addition to the general disciplinary process procedures found in this handbook. The following is a breakdown of the tardiness disciplinary process:

First Offense:	Written Warning
Second Offense:	Verbal Reprimand
Third Offense:	Written Reprimand
Fourth Offense:	Mayor may suspend the employee without pay for up to 24 working hours.
Fifth Offense:	Mayor may terminate the employee.

Documentation and/or copies of each written item involved in the process must be placed in the employee's personnel file. Each offense for tardiness shall remain in the employee's personnel file for a period of 12 months from the time of issue. Therefore, disciplinary actions shall be based on the number of offenses in any given 12 month period.

Overtime

Nonexempt employees are to be paid time and one-half (1.5) for actual hours worked in excess of 40 hours during a scheduled workweek per law. Employees asked to work overtime are expected to do so if they are given advance notice prior to the requested overtime work hours. Exempt employees are not eligible for overtime pay. (Please see the City Attorney or the Human Resources Officer for a determination of whether you are exempt or non-exempt from overtime benefits.)

The calculation of overtime will not include hours for holidays, sick leave, vacation, bereavement, or personal time during a given scheduled workweek.

Advance work scheduling shall be performed by supervisors/department heads with the goal of keeping overtime work and pay at a minimum. All overtime work should be approved in advance by the employee's supervisor or the department head unless extenuating circumstances exist so that the overtime hours are necessary to ensure that essential services continue uninterrupted. All overtime for Department Heads must be requested in advance unless an emergency exists. The Mayor must approve of all Department Head overtime.

Please note, if you are an employee of the Fire Department of the City, your overtime hours may be calculated differently based upon current laws and recommendations of the Kentucky Wage and Labor Board and the Kentucky State Fire Commission. For example, your overtime wages may be calculated differently if you work a shift that varies from a typical 40 hour work week. Please see the Human Resources Director for details on how your overtime pay will be calculated by the City.

Comp-Time

Comp-time is allowed in the City only for employees who are non-exempt from the FLSA overtime laws. In other words, per Kentucky law, if you are an employee that is eligible for overtime under FLSA, you may receive comp-time in lieu of overtime pay, but only at your request. The city is not permitted to request or grant comp-time for an employee unless the employee specifically requests such through the human resources office.

Performance Review

City of Somerset employees may be subject to a performance review at least once a year, or upon a request by the employee or the employee's supervisor in regards to an individual pay increase (raise), a transfer, or a promotion from within the City. The employee's supervisor or Department Head will give these reviews and will provide copies to the Mayor. The reviews will focus on job-related strengths and weaknesses, as well as the employee's overall fitness. Goals and improvement plans may be mapped out at each review and progress will be measured at each review. Employees will have the opportunity to thoroughly read all performance reviews and will sign a copy of any and all written reviews performed by the City. All written performance reviews and employee responses will become part of an employee's personnel file for future reference.

Individual Salary Increases (Raises)

All individual pay increases are at the discretion of the Mayor per KRS and shall be in accordance with the Pay and Classification Plan of the City. Individual pay increases may be initiated by the request of an employee, by the request of the employee's manager or supervisor, or the employee's Department Head. The Mayor has the final approval of all individual pay increases given within the City. For purposes of this section, a salary increase (raise) is defined as a raise only and is not contingent on being transferred or promoted into another position.

Transfers and Promotions

If the Mayor determines that it is in the best interests of the City to transfer or promote a current employee into a vacant position, an attempt will first be made to transfer or promote from within the City. All transfers and promotions are at the discretion of the Mayor, unless otherwise specified by law, and any transfers and promotions shall be made in accordance with the Pay and Classification Plan of the City. Transfers or promotions may be initiated at the request of an employee, employee's manager or supervisor, or the employee's Department Head, when a vacancy occurs within a department. All employees who apply for a transfer or promotion must be qualified for the position and must have completed the six month evaluation period that all new employees with the City are required to complete. For purposes of this section, any

increase in salary that may result from a transfer or promotion of a current employee is not considered a “raise” as described above, but instead is considered a benefit of the transfer or promotion.

Travel Expense Reimbursement

The City’s Travel Expense Reimbursement is set forth in Exhibit “F” in the Appendix of this handbook. Please refer to said Exhibit for detailed information of the city’s policy.

Attendance & Punctuality

Punctuality and regular attendance are important to the smooth operation of the City of Somerset. If you are consistently late or excessively absent, the City’s ability to perform work is affected and an unfair burden is placed on your co-workers. Therefore, unless your absence is permitted or excused under the City’s holiday, vacation, sick or other policies, you are responsible for being at work and arriving on time. If you are going to be absent or late, it is your responsibility to call your supervisor prior to your scheduled time to work so that arrangements can be made to cover your job duties. If you are unable to reach your supervisor prior to your shift starting, you must call your supervisor or the Human Resources Officer no later than one hour after the start of the workday/shift. You must notify your supervisor each day you will be absent, and if known, notify your supervisor of the length of your absence ahead of time.

An employee who is absent for reasons other than those permitted or excused by the City’s holiday, vacation, or leave policies, or who repeatedly fails to provide notice as required, will be subject to appropriate disciplinary action, up to and including termination.

Drugs and Alcohol

The City of Somerset strives to maintain a drug-free workplace in compliance with the federal Drug-Free Work Place Act of 1988. Therefore, the City will not tolerate the use or possession of alcohol or illegal drugs on the job or on city property.

Employees using or possessing alcohol or illegal drugs on city property or while at work, or who report to work under the influence of alcohol or illegal drugs, will be subject to disciplinary action, up to and including immediate termination.

All persons offered employment with the city will be tested prior to beginning their employment duties in accordance with the City’s Drug and Alcohol Testing Policy. Thereafter, employees possessing safety sensitive positions as defined by federal law will be randomly tested throughout the year. Per federal law, all employees, including those in safety sensitive positions, are subject to reasonable suspicion testing, post-accident testing if applicable, and return-to-work testing if applicable.

Please see Exhibit “B” for the City’s complete Drug and Alcohol Policy, as well as testing procedures.

Violence & Weapons

City of Somerset takes threats of violence extremely seriously. Any act or threat of violence by or against any employee, customer, or visitor is strictly prohibited. This policy applies to all City employees, whether on or off city property. Employees should report any and all acts, or threats, of violence occurring in the workplace immediately to a supervisor or department head.

Any use or possession of weapons, whether illegal or not, is prohibited on city property unless the employee is authorized/licensed to carry such a weapon (i.e. police officers). This includes knives, guns, martial arts weapons, or any other object that is can be used as a potential weapon. Any employee caught possessing a weapon will be disciplined, up to and including termination. For purposes of this section, deadly weapon shall be defined according to KRS 500.080 which appears in the Kentucky Penal Code as follows: "Deadly weapon"

means any of the following: (a) A weapon of mass destruction; (b) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged; (c) Any knife other than an ordinary pocket knife or hunting knife; (d) Billy, nightstick, or club; (e) Blackjack or slapjack; (f) Nechako karate sticks; (g) Shuriken or death star; or (h) Artificial knuckles made from metal, plastic, or other similar hard material.

Smoking and Use of Tobacco Products

Smoking and/or use of Tobacco Products is not permitted on city property, in city owned buildings, or in city owned vehicles. However, designated areas at each Department may be allowed as determined by the Mayor. Location of said areas will be determined by the Building Code Enforcement Officer to ensure that the health and safety of other employees is considered.

Food and Beverages

Eating and drinking at your desk is acceptable, but should be done unobtrusively and in a manner so as to prevent damage to equipment and other property belonging to the City. All employees are personally responsible for keeping the area around their workstation clean and presentable. Employees are also responsible for returning meeting areas to a clean and presentable condition after use.

Visitors

Only customers and authorized visitors are permitted at the City of Somerset offices. This includes unauthorized sales persons, or those collecting for charitable causes that are not authorized to be in City offices. This is to protect the City from theft or frivolous lawsuits. Visits from friends and family should be kept to a minimum and should not exceed fifteen (15) minutes. Employees are responsible for the conduct of their guests.

Sympathy Gifts

In the event of the death of an employee, or an employee's immediate family member as defined in the "Bereavement Leave" section of this handbook, the department for which the affected employee worked/works shall provide up to \$100.00 for flowers or a sympathy gift (i.e. chimes, afghan, etc.). Employees may take up additional, voluntary contributions if they wish to do so to provide additional gifts, etc.

Workplace Attire

The City of Somerset has a casual dress environment. However, employees are expected to use good judgment and taste and to show courtesy to their co-workers and associates by dressing in a fashion that is presentable and appropriate to both co-workers and customers. If uniforms are required for a particular department/organization/program, employees are expected to wear said uniforms in the manner requested by the supervisor/manager of the department.

Telephone Use

Landline telephones are provided to enable employees to carry out work assignments in an efficient manner. Personal telephone calls on a landline should be kept to a minimum and long-distance personal calls should not be made at the City of Somerset's expense. If this occurs, the employee shall be asked to reimburse the City for the cost of the long distance telephone call made on the landline.

Cell phones may be provided to individual employees for use in performing job duties. Unlike landlines, cell phones have limited pool of minutes as part of the City's monthly fee and any minutes used in addition to that pool is an additional cost to the City. Also, there is no text message allowance in the City's monthly plan and therefore any and all text messages sent or received using a City cell phone costs the City an additional

amount per message. Therefore, **Cell phones are to be used for work purposes only and shall not be used for personal calls or texts that are not work related.** Employees texting or receiving non-work related messages shall be required to pay the City for each of the messages sent or received. Employees should understand that any additional charges to a city cell phone, such as downloads, ringtones, games, or applications, shall also be billed to the employee for reimbursement. If a download or application is work related and can be used in performing job duties, employees should get permission to purchase said items through an appropriate Purchase Order.

If an employee fails to pay for any personal use of a cell phone, said use is considered a fringe benefit by the IRS and the state Finance Cabinet and therefore must be reported as a taxable income. In addition, the City will be required by law to withhold federal employment taxes from the employees pay for the Fair Market Value of the phone, as well as ongoing monthly phone service charges.

Voice Mail and Electronic Mail

All electronic and telephone communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the City of Somerset and as such are intended for job-related purposes. Personal use should be kept to a minimum. Electronic or telephone communication systems may not be used to transmit messages that may be considered inappropriate under the City's policies, including those prohibiting harassment. Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized city representative. All codes are the property of the City of Somerset and may be used by the City to access electronic and telephone communications at any time. The City of Somerset reserves the right to monitor any electronic, telephone, or other communications made using the City's systems or property unless said monitoring would compromise confidentiality, law enforcement activity, or an attorney-client privilege.

Use of City Vehicles

All city vehicles are to be used for business purposes only with the exception of the Mayor. The Mayor may have unlimited use of his/her vehicle as he/she sees fit. All other employees using an assigned vehicle for personal purposes must receive written authorization from a supervisor to do so. Further, any employee using a City vehicle for personal use must report said use to the IRS as compensation on their income taxes, or reimburse the city for the personal use of the vehicle. Employees should always use a city vehicle for city business if a vehicle is readily available and they are authorized to do so.

NO smoking or use of tobacco products is allowed in City owned vehicles. All employees must wear a seatbelt at all times while operating a City owned vehicle and must obey all rules of the road during use of said vehicle.

All employees should pull off the road to use cell phones when operating a City owned vehicle unless an emergency exists.

All employees that operate City owned vehicles will be subject to a mandatory driving record check at least every 12 months. Said record check will be performed at the request of the Human Resources Officer in the manner he/she determines to be most effective.

All City owned vehicle will contain an accident report form in order for employees to report any and all incidents involving the vehicle. Said report will be required regardless of whether a police report is created in regards to the incident or not. The report is for insurance purposes only.

Please note that the personal use of vehicles owned by the City which are used by members of the City's Police Department are subject to different rules than those above per KRS. Officers should inquire with the Chief of Police or the Human Resources Officer as to what personal use is allowed and how, or if, said use must be reported to the IRS.

Use of City Property

All city workspace, including file cabinets, etc., are the property of the City of Somerset. No city equipment, including paper, computer, cell phone, photocopiers, or printers should be used for personal business.

Postage, Shipping and Office Supplies

Postage, shipping and office supplies paid for by the City are for business purposes and are not to be used for an employee's personal purposes.

Personal Property

The City of Somerset does not assume responsibility for any personal property located on its premises. Employees are to use their own discretion when choosing to bring personal property into the office and do so at their own risk. Additionally, employees may not bring or display in the office any property that may be viewed as inappropriate or offensive to others.

Personal Safety

The safety of each employee's health and security is very important to the City. The City is willing to make reasonable efforts to address an employee's safety concerns. Employees should remember to use caution and good judgment in all activities and should notify their supervisor or the Mayor if they believe there is a safety issue that should be addressed.

Office Security

Shortly after an employee's start date, he/she may be given a key to gain access to the office/building where their work station is located. The last employee to leave the office/building at night is responsible for making certain that all doors and windows are closed and locked.

Confidential Information

The City of Somerset, as well as state and federal law, requires that employees do not disclose information held to be confidential by the City of Somerset or under the law. Any questions about this policy and what is considered confidential information should be addressed to a Human Resources Officer or the City Attorney. Failure to abide by this policy could result in personal liability for any damages caused as a result of disclosure of confidential information by an employee, as well as, disciplinary action, up to and including termination.

NOTE: Employees that open mail for the City should be cautious to not open mail marked "confidential" and/or "private". Said mail should be given to the Human Resourced Officer prior to opening for determination of where said mail should be directed and how said mail should be opened.

Employment of Relatives

Employment of relatives is not prohibited by the City of Somerset or the City's Ethic's Ordinance so long as the following conditions are met: (i) the applicant is qualified for the position, (ii) the employee and relative will not be in a direct reporting relationship (i.e. employee-supervisor) with one another, and (iii) the personal relationship will not adversely affect the workflow or processes of the City. Careful attention should be made to the City's current and active Ethics Ordinance to make sure that such hiring doesn't violate the ethics standards set forth in said ordinance . For example, it is prohibited for the Mayor or Council Member to ask for a relative to be hired and no council person shall serve on a committee of a department, or a committee serving a particular department, where a relative is working. For purposes of this policy only, the following are considered relatives: husband, wife, father, mother, son, daughter, brother, sister, mother-in-law, father-in-law,

nieces, nephews, son-in-law, daughter-in-law, aunts, uncles, grandson, granddaughter, grandson-in-law, and granddaughter-in-law.

Parties (Retirement, Christmas Dinners, Secretary's Day, etc.)

Retirement - When an employee retires from employment with the City of Somerset, the Department in which the employee worked may spend up to \$100.00 for a retirement gift. The Department is also allowed up to \$100.00 for catering, food, etc. to be used for a retirement party on the city's premises so long as the party is open to all departments of the city to attend. If a private party is held for only the department of the retiring employee, \$15.00 per person in the department will be allowed for catering, food, etc. for the party.

All other Parties/Dinners – A limit of \$15.00 shall apply per employee for a meal at a restaurant or for food catered for such an event. This includes dinners such as Christmas Dinner, Secretary's Day lunch, etc.

Political Activity

No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office. No employee shall engage in political activity during his/her scheduled hours OR while in uniform regardless of whether the employee is on or off duty. Any employee with questions as to whether something is considered political activity should speak with their department head, the Human Resources Officer, or the City Attorney.

Outside Employment/Second Jobs

The City of Somerset does not object to employees having a second job so long as it does not interfere with the performance standards and scheduling of his/her city job. Employees who are on approved sick or FMLA leave may not work during said leave and continue to receive benefits from the City during the leave period unless such action is approved by the Mayor in advance of the leave.

Any elected or non-elected officer of the city should contact the Human Resources Officer or the City Attorney to determine if a second job in a government position is in violation of special KRS pertaining to incompatibility/conflict of interest of government offices.

Grievance Procedure

General Complaints:

The City of Somerset seeks to deal openly and directly with its employees and believes that communication between employees and management is critical to solving problems. Any employee dissatisfied with an issue relating to his/her job has a right to express that dissatisfaction in a professional manner. All city employees shall first attempt to resolve a grievance informally and will attempt to work with their supervisor to resolve any disputes that may arise during the course of employment. If the grievance is not resolved informally, the employee may present the grievance in writing to his/her supervisor within 5 business days of the incident's occurrence. The supervisor shall respond to the written grievance within 5 business days in writing. If the grievance involves the supervisor of the employee, the employee should complete the above process with the department head, unless the supervisor and the department head are the same individual in which case the process should be completed with the Mayor. In the event the employee is not pleased with the result of the written response of their supervisor or department head, a written grievance shall be presented to the Mayor within 5 business days of receiving the unsatisfactory response. The Mayor will respond within 5 business days of said written grievance. All decisions of the Mayor are final.

Complaints Relating to Alleged Discrimination of Handicap:

A different grievance procedure is followed by the city in circumstances where a citizen or an employee feels they have been subjected to discrimination on the basis of a handicap. Any citizen or employee that feels such

discrimination has occurred in the workplace against themselves, or another employee, may personally, or through a representative, file a written complaint with the Mayor. The complaint should contain the nature of the discrimination alleged and the facts upon which the allegations are based. The complaint process will then be handled in two steps as set forth below:

1. The Mayor shall contact the complainant no later than 15 days after receiving the written complaint to schedule a meeting with the objective of resolving the matter informally. The meeting must be scheduled at least 5 days from the date the complaint was received by the mayor's office, but no later than 45 days after said date. The meeting shall be recorded in writing or by machine and said recording shall be preserved by the city.

2. Within 15 days of the informal meeting, if no decision has been made, or the decision made by the mayor is no satisfactory to the complainant, he/she may request a hearing with the Human Rights Commission by submitting a written request to the mayor. The complainant may designate any person of his/her choice to participate in the hearing before the Human Rights Commission. The Commission shall issue a written decision on the matter within 15 days and the decision shall be the final procedure in regards to the complaint at the local level. The hearing shall be recorded in writing or by machine and said recording shall be preserved by the city.

Suggestion System

All city employees are encouraged to submit suggestions related to improving the government's efficiency so long as such suggestions are submitted in a professional manner. All suggestions should be submitted to the Mayor or your Department Head/Supervisor, or if you wish to remain anonymous, submit the request to the City Attorney.

Leave Policies and Benefits

General Policies

The City of Somerset provides Eligible Employees with leaves for a variety of reasons. The following discussion summarizes the City's leave policies in a way that the City hopes will be generally helpful. The City of Somerset leave policies includes the provisions of the federal Family and Medical Leave Act (FMLA). Please see below and Exhibit C in the Appendices for an overview of the FMLA.

As with all policies, the City reserves the right to revise or rescind these policies at its discretion, subject to legal requirements. This statement of leave policies is not intended to create a contract between the City of Somerset and its employees.

All leaves are granted for a specific period of time after approval of the employee's supervisor and/or the Mayor. An employee who foresees being unable or unwilling to return to work at the end of the leave period should apply for any other leave for which the employee is eligible (sick time, vacation time, FMLA).

The City of Somerset reserves the right to terminate the employment of an employee who does not return to work at the end of the approved leave period.

Holidays

The following are mandatory paid holidays at the regular rate of pay for all eligible employees:

- New Year's Eve (1/2 day)
- New Year's Day
- Martin Luther King Jr. Birthday

- Good Friday (1/2 day)
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day (*This Holiday will be officially observed by the City in honor of our Veterans, however, City Offices will remain open with minimal staff scheduled at their **regular rate** of pay. Department Heads will determine which staff will be needed in order to best serve the interests of the City. Any employee who is required to work on said Holiday will be permitted to take the Holiday off within 30 days of the set date of the Holiday or may choose instead to be paid an extra day's wages.*)
- Election Day (A reasonable amount of time will be allowed per KRS, however a 2 hour maximum will apply.)
- Thanksgiving Day and the following Friday
- Christmas Eve (1/2 day)
- Christmas Day

Note: The City of Somerset will make reasonable efforts to accommodate holidays pertaining to an employee's established beliefs that are not included in the above list. Employees should speak with their supervisors and/or the Mayor to obtain approval for taking time off to observe such holidays.

If any holiday falls on Saturday, the preceding business day will be considered the Holiday. If any holiday falls on a Sunday, the following business day will be considered the Holiday.

If holidays are worked, employees will be paid an extra day's wages or can take another day off within thirty (30) days before or thirty (30) days after the holiday is observed by the City with their Supervisor or Department Head's permission. If not taken in this time period, the holiday will be paid as an extra day's wages.

In the event an employee's day off falls on a holiday, the employee will be given a substitute day to be used within thirty (30) days before or a thirty (30) days after the holiday. In the event a holiday falls during an employee's vacation, one day will be added to the employee's vacation period or a substitute day will be given within thirty (30) days before and thirty (30) days after the holiday.

The Fire, EMS and Police Departments will be allowed their regular shift hours, with the exception of partial day holidays. On partial day holidays, all departments, including Fire, EMS and Police Departments, will receive the same number of hours off as determined by the Human Resource Officer and/or the Mayor.

The City reserves the right to require an employee to work on a holiday if it is necessary to meet scheduling requirements and assure efficient and uninterrupted service. If an employee is scheduled to work on a holiday and fails to report to work, the employee will not be paid holiday pay for said day.

Employees are required to work the day before and the day after a holiday in order to receive holiday pay unless the employee has scheduled with his/her manager/supervisor in advance of the holiday to take vacation or sick leave. If an employee unexpectedly must take sick leave either the day before or after a holiday, the employee's department head and the Human Resource Officer will determine whether the employee will be paid for the holiday. The employee may be asked to submit a medical note regarding their illness or injury.

Vacations

Vacation time is offered to all eligible full-time employees that have been employed in an eligible position with the City for the 12 consecutive months just prior to their employment anniversary date. The amount of vacation time available is based on a 'Years of Service' schedule as outlined below:

- 1st year: 5 working days per year (40 hours), granted upon the first anniversary of the employee's start date.
- 2nd to 10th years: 10 working days per year (80 hours), granted upon the second anniversary of the employee's start date.
- 11th to 15th years: 15 working days (120 hours), granted upon the 11th anniversary of the employee's start date.
- 16th and beyond: 20 working days (160) hours, granted upon the 16th anniversary of the employee's start date.
- **Note:** All members of the City's Police Department shall receive vacation leave of 15 working days (120 hours) per year upon hire, regardless of their years of service, according to law. (KRS 95.497) At the beginning of their 16th consecutive year of service with the City's Police Department, members shall receive 20 working days (160 hours) per year.

Vacation leave must be taken within 12 months of the date earned. Vacation time must be scheduled and approved in advance by your supervisor, the department head, or the Mayor. The City of Somerset will not carryover or pay out any unused vacation time from one year to the next, with the exception of payment for unused vacation leave accrued for the current year of service at the time of termination of employment or retirement with the City.

All vacation leave must be taken in intervals of 60 minutes or more only. All calculations will be performed by the Human Recourses Office.

If you are hospitalized during your vacation, any day of hospitalization will be charged to your sick leave, if available, rather than to your vacation leave. In said circumstances, an original statement from the employee's treating physician must be turned into the Human Resources Officer.

An employee must use accrued vacation leave for sickness, injury, or disability if the employee has exhausted all sick leave available before unpaid leave will be permitted.

Although no vacation leave will be advanced to an employee, when given advance notice, the City of Somerset will consider requests for additional time off without pay for vacation purposes. If you have a special type of vacation in mind, talk to your supervisor and/or the Mayor to see if a solution can be reached.

Sick Leave

All full-time employees earn one 8 hour day of paid sick leave for each full calendar month worked (12 full days of sick leave per year). Sick leave must be taken in intervals of 60 minutes or more only. All calculations will be performed by the Human Recourses Office.

If you are eligible for sick leave, you may use the leave if you are sick or injured, or to attend medical/dental/optical examinations or treatments. You may also use sick leave to care for an immediate family on the same terms that apply to use for your own illnesses, injuries, or appointments. For purposes of this section, immediate family members include: mother, father, brother, sister, spouse, child (includes newborns), grand-child (includes newborns), and other member of the family as approved by the Mayor in special circumstances.

The following *guidelines* are designed for the proper use of sick leave:

- a) If you do not report to work, you must phone your supervisor or have someone call for you as early as possible after the office opens. This procedure allows your supervisor to rearrange work schedules in your absence.
- b) If you must leave the office before closing time because of illness or injury, inform your supervisor.
- c) If you foresee the need to take sick leave (e.g., for non-emergency surgery or for a doctor's appointment), tell your supervisor as soon as possible so that plans can be made to cover your absence.
- d) If you are absent for 3 or more consecutive days, you **must** provide an original statement from your treating physician as to your condition and necessity to be absent from work. This is necessary to determine if you are eligible for FMLA leave from the City which protects your insurance coverage while you are off from work.
- e) In case of an extended absence, you should consult the Human Recourses Officer and your insurance plan booklet to see whether you are eligible for any type of disability leave.
- f) Unused Sick leave may be accumulated to a maximum of 960 hours total. All 960 hours may be rolled into their retirement account with the City paying the cost involved as stated in the standard sick leave policy OR the employee may take ½ of the sick leave (maximum 480 hours) in a lump sum payment at retirement and roll the other half over to retirement.
- g) Employees who have acquired at least 100 hours of sick leave may voluntarily donate sick leave hours to other eligible employees upon the approval of the Mayor and both employees' supervisor/department head, and the Human Resources Officer. In order to receive donated sick leave from another employee, you must have used all other available leave.
- h) Employees will not be paid for accrued sick leave benefits upon termination from employment, except at retirement.

Second Leave Bank for Additional Leave

All hours accumulated in excess of the maximum 960 hours of sick leave allowed as set forth above shall be rolled into a separate, second account for use as additional leave. This additional leave account shall have a maximum of 960 hours total. Please note that NO retirement benefits are available *and* NO payment will be made by the City on hours accumulated in said second leave account upon retirement. This account is for the use of leave time only. Employees may take leave from this Personal Leave Bank at a maximum of 40 hours at any one time. All use of this leave must be approved by your Supervisor or the Department Head, with final approval by the Mayor.

Family and Medical Leave

Employees may take unpaid leave per the terms of the Family and Medical Leave Act of 1993 (FMLA). To be eligible for FMLA with the City of Somerset, the employee must have worked for the City for at least 12 months in total AND must have worked at least 1,250 hours over the just prior 12 month period. Employees must use all accrued leave (vacation, sick, or other) before going on unpaid FMLA leave will be permitted by the City.

An employee applying for an extended leave under FMLA will be asked to state why he/she wants the leave, when he/she wants the leave to begin and when he/she wants the leave to end. The Human Resources Officer will inform the employee what type and duration of leave, if any, has been approved and will also tell the employee which requirements, such as certification of a health condition, the employee must fulfill. An employee should contact the Human Recourses Officer for scheduling of leave and questions regarding availability of FMLA time.

All employees should refer to Exhibit “C” at the conclusion of this Handbook for additional detailed information and explanations of the federal FMLA policy. If any employee has a question about FMLA, they are encouraged to speak with the Human Resources Officer or the City Attorney.

Personal/Special Leave of Absence

All full-time employees that have been employed for 12 consecutive months will be given 1 Personal Day off per fiscal year. The Personal Day must be taken as a whole and will not be carried over into the next fiscal year.

Requests for personal/special leave *without pay* are considered individually and granted at the discretion of the Mayor. The reason for the request, the employee's length of service, the employee's work record, and the demands of the individual's job are examples of the type of factors typically considered in evaluating a request for personal/special leave of absence. A request for personal/special leave of absence will be granted only if the employee is not eligible for any other type of leave. An employee may not be on personal leave of absence for more than 10 working days in any given calendar year.

Jury Duty & Court Leave

Under KRS 337.415 and KRS 29A.160, the city cannot terminate an employee for taking time off, or threaten to terminate an employee, for a court ordered appearance in any local, state, or federal court, or administrative hearing. Therefore, employees summoned for jury duty will be allowed the necessary time off from work to perform this civic responsibility. Employees must give the City of Somerset as much advance notice as possible. The City will pay such employees the difference between their regular salary and any jury duty fees received unless other arrangements are made in advance with the Human Resources Officer. Employees will be expected to report to work during all regular hours if their presence is not required in a jury room or court. The City will require the employee to supply documentation from the court affirming the employee's jury duty service.

All police officers must provide a copy of their subpoena(s) or written approval from the Chief, in order to receive court leave and court leave pay. If a Police Officer is required to appear in court during their on-duty hours, they will only receive their regular rate of pay for said appearance. No additional payment will be made. If a Police Officer is required to appear in court during their off-duty hours, they will be paid for the time worked and said hours will be included in the calculation of overtime pay for that pay period if said hours spent in court places the officer in excess of 40 hours.

If a police officer is paid for their appearance or other expenses in regards to a court proceeding, he/she shall turn in such pay to the City Clerk to be credited to the police budget unless said officer chooses to keep said funds in exchange for not receiving court leave pay from the City. Under no circumstances will he/she be permitted to receive both pay from the out of county court and the City.

Military Duty

Employees who are absent from work in order to attend an annual mandatory encampment/training in a recognized reserve branch of the armed forces of the United States will receive a paid leave of absence of up to a maximum of 15 days in any given calendar year as required by KRS 61.392-61.396.

If an employee is a member of a recognized reserve branch of the armed forces of the United States and is called to active duty, he/she will be granted an unpaid leave of absence for a period not to exceed 6 years as required by KRS 38.238.

All employees absent from work for the above reasons shall give their supervisor as much advance notice as possible so that arrangements can be made to cover that employee's work. All employees returning from

active duty shall be reinstated to their previous position as held prior to being called into action, or to a position of like seniority, benefits, and pay. (KRS 38.238)

Bereavement Leave

When a death occurs in an employee's immediate family, an employee may take up to 3 consecutive scheduled days with pay. In unusual circumstances, additional time off may be granted, with or without pay, at the discretion of the Mayor. For purposes of this section, immediate family includes: mother, father, brother, sister, child (includes newborns), grandparents, grand-child (includes newborn), step-parents, step-siblings, step-children, step-grandparents, step-grandchildren, spouse, and spouse's immediate family members as defined herein. Leave in regards to any other member of the family requires approval for bereavement leave by the Mayor.

Leave due to Severe Weather and Forced Closings

In the event weather conditions occur in which travel to and from work may jeopardize the safety of employees, city offices may be closed at the direction of the Mayor. Employees will be notified appropriately of this action. Where individual circumstances exist, such as longer than average distance of travel to and from work, the employee must notify his/her supervisor, and may exercise his/her own judgment in not reporting for work. If city offices are not subsequently closed, this time off will be charged against vacation leave or the employee's personal day. If city offices do subsequently close due to weather, all employees scheduled to work will receive their regular rate of pay as if they had worked. *However*, per law, said hours will not be included in overtime calculations. Further, if an employee is off on vacation or sick leave, he/she will not receive credit for the hours that the City was closed.

In the event that all city offices, or an individual department, must close for unforeseen reasons other than weather, employees will be notified appropriately of this action. If city offices or an individual department is closed due to said unforeseen reasons, scheduled employees will receive their regular rate of pay. *However*, per law, said hours will not be included in overtime calculations. Further, if an employee is off on vacation or sick leave, he/she will not receive credit for the hours that the City was closed

Other Employee Benefits

The following is a list of benefits that the City of Somerset makes available to all eligible Employees. The descriptions in this handbook are a summary only. The separate plan documents explain each benefit in more detail and the language of the plans' documents controls the various plans. Benefits may be modified, added or terminated at any time by the insurance company or benefit provider, per the terms of the plan without an amendment to this Handbook ordinance being necessary, and may also be changed by the City of Somerset at its discretion.

Benefits Eligibility

All employees should contact the Human Resources Officer to determine if they are eligible for employee benefits based on their employment status and classification.

Medical Insurance

Medical insurance is available for Eligible Employees and their qualified dependents. Refer to the plan summary or speak with the Human Resources Officer for details regarding coverage, eligibility, waiting periods and cost.

Retirement

Eligible Employees are required to enroll in the Kentucky Retirement System (KRS). Employees interested in retirement policies should see the Human Resources Officer for more information.

Education Assistance and Career Development Program

The City of Somerset encourages its employees to further their education. The city's education assistance and Career Development Program is set up to cover some or all of the costs of education that furthers the employee's career or training in a field related to his or her job. The education and/or training must not only enhance the employee's professional and personal growth, but must also improve the efficiency and effectiveness of the City's operations.

All courses must be approved by the city and offered by an accredited training facility or institution. To get education assistance, an employee must complete the following steps: (i) gain permission from a direct supervisor and/or the Mayor for a specific course or field of study, (ii) successfully complete the course, with a grade not less than a "C" and (iii) submit an expense report with the costs of the class and any applicable materials. Further the program requires the employee to agree that should the employee cease employment with the City, voluntarily or involuntarily, within 1 year after completion of the program, the employee will repay the City for the cost of the program as funded by the City.

The amount of educational cost reimbursement may vary due to limited availability of funds. The Education and Career Development Program is not permanent and may be reviewed, altered, or discontinued at any time by the City of Somerset on an annual basis for both individual circumstances and as a whole. Any alterations or discontinuations of the program will be made in a fair and consistent manner.

Worker's Compensation

The City of Somerset requires that all employees report job-related accidents, injuries, or illness to a supervisor immediately and to the Human Resources Officer within 24 hours of the incident or on-set of illness, regardless of whether the accident occurred on or off city premises. An employee's failure to report an injury, regardless of how minor, could result in difficulty with the employee's claim. It is the responsibility of the employee to notify the city unless the employee is incapacitated and unable to provide the notice.

The city's Worker's Compensation insurance carrier will determine if a claim is payable or not. If the insurance carrier determines that a claim is payable, the employee shall retain the entire Worker's Compensation check(s) received. The employee may receive his/her normal rate of pay for the interim between the date of injury and/or illness, or the first date that the employee is unable to work, and the first date Worker's Compensation begins to pay so long as the employee has sick or vacation leave available for use. Any employee on authorized leave will continue to accumulate vacation and sick leave credit during the period of time that the employee is drawing from the city. When the employee begins drawing from the insurance carrier, this accumulation of leave hours will cease.

All Workers' Compensation claims will be paid directly to employees and employees are expected to return to work immediately upon release by their doctor. Any and all questions as to the eligibility of Worker's Compensation benefits should be directed to the Human Resources Officer or the city's insurance carrier.

COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health coverage under the company's health plan, should the employee lose his or her eligibility (e.g., upon termination). Under COBRA, the employee pays the full cost of coverage at the company's group rate, plus an administrative fee. Details of COBRA coverage and how to apply for it will be provided by a Human Resources Manager at the time eligibility is lost.

Disciplinary Policies

Discipline

The City of Somerset's policy is to attempt to deal constructively with employee performance problems and employee errors. The disciplinary process shall take into account the facts and circumstances of each case. Depending upon the facts and circumstances, the discipline applied may include, among other things, oral or written warnings, probation, suspension without pay, or immediate discharge. Each situation will be considered in light of a variety of factors including, but not limited to, the seriousness of the situation, the employee's past conduct and length of service, and the nature of the employee's previous performance or incidents involving the employee. Although the Mayor may choose to include the employee supervisor or the department head in the decision making process, the Mayor shall have full authority to handle all disciplinary matters according to this policy and the law. Details of the city's disciplinary process are outlined further in the "Corrective Action" section below.

Corrective Action

Corrective Action is taken against an employee in response to a rule infraction or a violation of the city's employment policies. The disciplinary process shall continue until the violation or infraction is corrected.

Corrective Action shall begin with a verbal warning by the employee's supervisor so long as the infraction or violation is not serious in nature. If the problem is not corrected after a verbal warning, a written warning prepared by the supervisor and signed by the employee will be placed in the employee's personnel file. All written warnings shall include the date, the content, and the response of the employee in regards to the verbal warning administered previously. The written warning may also include a description of the corrective action recommended by the supervisor. If a more serious infraction or violation occurred, or if minor infractions or violations continue after verbal and written warnings, the Mayor will be notified and he/she shall determine in writing whether to place the employee on suspension without pay up to 30 days, or whether employment will be involuntarily terminated. If an employee is suspended with pay due to an investigation of an alleged infraction or violation, the 30 day time limit shall not apply. Notice of any and all suspensions shall be in writing and shall be given to the employee promptly.

The city considers certain violations as serious in nature which more than likely will result in immediate termination, including but not limited to: insubordinate behavior, theft or destruction of city property, breach of confidentiality policies, untruthfulness about past criminal convictions, drug or alcohol abuse in the workplace or reporting to work under the influence, and unprofessional or violent behavior during work hours.

Employees charged with any type of infraction which is subject to corrective action may appeal that corrective action in writing to the Mayor. If, after reviewing the corrective action, the Mayor determines that procedures were followed according to city policy, the corrective action will stand. If city policy was not followed, the action may be reversed or corrected. Although the decision of the Mayor in all personnel disciplinary matters is final, depending on the employment position held by the employee (i.e. non-elected city office), additional appeals or a hearing process may be available. Any employee who believes they have additional rights regarding disciplinary procedures and/or termination should contact the City Attorney or a private attorney for legal advice. Police and Fire Department employees should refer to the section below regarding discipline and termination of said employees.

Police and Fire/EMS Department Employees

Members of the Police or Fire department can be reprimanded (by the city/employer), terminated, suspended, or reduced in grade or pay so long as the city's reason for said action is one or more of the following: inefficiency, misconduct, insubordination, or violation of law (including violations of the policies set forth in this handbook). (KRS 95.450) Further, if one of the reasons listed above is given as the explanation why the

employee was disciplined or terminated, charges must be preferred and the employee must be afforded a hearing before the legislative body. If the reason given to the employee is “misconduct”, then the employee may be suspended prior to the hearing without pay if probable cause exists that the employee is guilty of misconduct justifying discipline or termination. If any other reason is given, the employee cannot be suspended without pay prior to the hearing.

Police Officer’s Bill of Rights:

In special circumstances, some of the requirements as set forth in KRS 95.450 and discussed above are superseded by KRS 15.520, otherwise known as the “Police Officer’s Bill of Rights”. Only city’s that receive funding from the Kentucky Law Enforcement Foundation Program (KLEFP) are required to abide by the Police Officer’s Bill of Rights. Currently, the City of Somerset participates in the program and therefore all city police officers are afforded the protections set forth in said statute. The Police Officer’s Bill of Rights sets forth the procedures that must be followed in two different situations: when a complaint is filed by a citizen *and* the citizen has alleged misconduct, abuse of authority, or a violation of rules or regulations; and when a disciplinary/termination hearing is required to be conducted under KRS 95.450. The Police Officer’s Bill of Rights ensures that due process is afforded to all officers in these situations.

Note: Please see the section of this handbook on Tardiness for the city’s disciplinary process for failing to report to work at the time scheduled. The Tardiness section of this handbook shall apply in regards to tardiness issues only and applies to all employees who must use a time clock.

Separation Policies

Job Abandonment

Employees of the city that are absent for more than 3 consecutive working days without notifying a supervisor or the Human Resources Manager are considered to have voluntarily abandoned their employment with the city. The effective date of termination will be the last day the employee reported for work. If an employee abandons a job, he or she will not be entitled to accrued vacation days, unless required by law.

Termination

The City of Somerset does not have tenure or guaranteed employment. You, or the City, may terminate your employment at any time for any reason unless good cause is required by law. This applies to all employees regardless of special hearing or appeal procedures that may apply as set forth in this handbook.

Termination may result from any of the following: (i) Corrective action measures, which include infractions for violation of city policies, (ii) layoffs, which include the elimination of an employee’s job function or headcount reduction due to redundancy or cost reduction and (iii) involuntary dismissal, which may include poor performance reviews or failure to demonstrate an acceptable attitude in the workplace.

Resignation

An employee wishing to resign should, in order to resign in *good standing*, give the Mayor written notice of resignation at least 2 working weeks before the effective date. However, in the event of extenuating circumstances, the Mayor may agree to a shorter notice. An employee’s resignation, and its attending reasons, if noted, shall be recorded in the employee’s personnel file.

Layoffs

The Mayor may layoff an employee or employees after due consideration because of lack of work or funds. The order of layoffs shall be determined on the basis of the city’s needs as determined by the Mayor and this policy. Although consideration shall be given to both the seniority and merit of persons being considered for

layoff, temporary, seasonal, and part-time employees shall be laid off before employees working regular full-time positions.

A written notice explaining the reasons for the layoff will be given to each employee occupying a regular full-time position at least 2 weeks prior to the effective layoff date. The notice shall include whether the employee's service has been satisfactory. A copy shall be retained for the employee's personnel file.

If an employee is given a layoff notice stating their service was satisfactory, that employee will be eligible for re-employment. Such persons will be considered for positions requiring similar or the same qualifications, duties, and responsibilities as the position from which the employee was laid off if said positions are or become available.

All employee benefits will cease during the layoff period although Cobra will be offered to said employees according to the law. Accumulated leave for vacation will be paid up to the time of the layoff. Accumulated leave for sick time will be credited to the employee's account, but will not be paid upon the layoff. If the employee returns to full-time employment with the city, any accrued sick hours earned up to the layoff will be reinstated.

Re-Employment

Employees who are in good standing upon termination of service with the city, and wish to return to work after a break in service, may be considered for re-employment but shall be treated the same as a new hire. All benefits must be re-earned and the required initial 6 month evaluation period must be completed satisfactorily as with any new employee.

Employees who were not in good standing at the time of their termination of service with the city may reapply for a position in the city after 3 years have passed from the date of the termination. However, their past conduct will be taken into consideration when determining whether it is in the best interests of the city to re-hire the former employee. Such an employee shall be treated the same as a new hire. All benefits must be re-earned and the required initial 6 month evaluation period must be completed satisfactorily as with any new employee.

EXHIBIT B

Drug-Free Workplace Policy

Purpose and Goal

The City of Somerset is committed to protecting the safety, health, and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The City also understands that the goals of safety and productivity cannot be achieved by sacrificing the Constitutional protections afforded to employees such as due process, notice, privacy, and equal protection. Although drug testing in the workplace is viewed as a warrantless search which is prohibited by the Fourth Amendment of the U.S. Constitution, the Supreme Court of the United States has determined that public employers, such as the City, may, to a limited extent, engage in drug testing under special circumstances if there is a legitimate special need, such as to protect public health and safety, without having to obtain a warrant. Therefore, this Drug-Free Workplace Policy and its components was written using recommendations of the U.S. Department of Labor and the National Substance Abuse Council, as well as the Kentucky League of Cities Legal Handbook, federal law and regulations, and any applicable state case law (there are no state statutes to date regarding drug testing in the workplace).

- This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- The city has no intention of interfering with the private lives of its employees, however, if any alcohol and/or drug use, even if it occurs off the job, affects job performance or public safety, the city will be forced to activate all applicable portions of this policy.
- As a condition of employment, the city requires that employees adhere to a strict policy regarding the use and possession of drugs and alcohol.
- The city encourages employees to voluntarily seek help with drug and alcohol problems.

Covered Workers

Any individual who is employed by the city, or is applying for a position with the city, is covered by our drug-free workplace policy.

Applicability

Our drug-free workplace policy is intended to apply to any situation in which an individual is representing or conducting business on behalf of the city. Therefore, this policy applies during all working hours, anytime an employee is conducting business or representing the city, while an employee is on call or on paid standby, and anytime an employee is on the city's property or using city property (i.e. city vehicles).

Prohibited Behavior

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, or intoxicants if the employee is a covered worker and our policy is applicable to the employee as described in the sections above.

Drug and Alcohol Testing

NOTE: Please see Attachment "A" to this Exhibit for detailed information on the drug test collection of specimens for drug testing and for specifics on alcohol testing. The Attachment is incorporated herein in full by reference and should be referred to along with this Exhibit in order to fully understand the drug testing procedures and policies of the City of Somerset.

General Policy

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include the opportunity for a split sample and a review by an authorized Medical Review Officer. Employees who test positive will be given an opportunity to provide a legitimate medical explanation, such as a physician's prescription, for the positive result. Documentation will be made of all chains of custody.

All drug-testing information will be maintained in confidential records separate from the employee's general personnel file. This serves as assurance that HIPPA violations will not occur due to the release of testing information which is medical in nature.

Each employee, as a condition of continued employment, will be required to participate in pre-employment and reasonable suspicion testing, as well as post-accident testing is applicable, at the request of the city. Employees in safety sensitive positions, as defined by federal law, will be required to participate in additional testing which includes random testing. All employees are subject to immediate termination if a verified positive drug or alcohol screen occurs and should not interpret this policy to mean that such discipline cannot occur. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations or performance problems unrelated to drug or alcohol use even though the employee may not have been immediately terminated for the drug or alcohol use alone.

The substances that will be tested for as recommended by the U.S. Department of Labor and as required by the U.S. Department of Transportation include, but are not limited to: amphetamines and methamphetamines, marijuana, cocaine, opiates, phencyclidine (PCP) and alcohol.

Testing for the presence of alcohol will be conducted by analysis of breath or blood. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine or blood. Although the city may take into consideration the preference of the employee, the city, not the employee, will determine which method will be used for testing.

Employees are required to submit to testing (report to the testing site) at the request of the city within 1 hour of the time notice was given to the employee. All notices for random, reasonable suspicion, and return-to-work testing will be given during normal business hours as defined in this handbook.

Any employee who tests positive in violation of this drug and alcohol policy will be immediately removed from duty. An employee will be subject to the same consequences of a positive test if he/she does not report to the testing site within 1 hour of the testing notice given by the human Resources Officer, refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, refuses to sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test. The employee is required to submit to the testing procedures utilized by the testing facility and medical staff. All testing facilities used by the city will be certified and trained to collect, test, and report results, and will have on staff a DOT certified Medical Review Officer (MRO). For a complete description of the testing procedures, please see the Human Resources Officer or the medical staff/MRO at the testing facility.

Reasonable Suspicion Testing

All employees are subject to reasonable suspicion testing. A request for a reasonable suspicion test must be based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech, or body odor of an employee in order to not violate the Fourth Amendment right against improper search and seizure. If the employee's supervisor or department head has a reasonable suspicion as defined above that an employee has used a prohibited drug or alcohol while on the job, or at a time which effects the employee while they are on the job, the supervisor and/or department head must report said suspicion to the Mayor. Only a DOT trained employee in a management position can determine by observation if such suspicion is reasonable as defined above. If he/she finds there is a reasonable suspicion under the law to test the individual, said person will contact the Human Resources Officer for the immediate scheduling of a drug and/or alcohol test for the employee. If the

employee is in a safety-sensitive position, the employee will be removed from duty with great attention given to privacy, confidentiality, and immediate documentation. Documentation should include the cause for suspicion such as: presence of drug or alcohol paraphernalia, appearance, behavior, speech, awareness, motor skills, walking, and balance. Per federal law and DOT regulations, the removal from duty of safety-sensitive employees who are being tested due to reasonable suspicion will be to ensure the safety of the public while the results of a drug screen are being processed, not because a drug screen was administered to the employee.

Random Drug and Alcohol Testing

As stated above, employees occupying safety sensitive positions as defined by federal law must submit to random drug testing procedures. This includes all employees that are Federally Regulated (FRE) as well. (See the FRE section for more details pertaining to federally regulated employees.)

The federal government considers the following employees to be in "safety sensitive" positions: all employees who are required to possess a commercial driver's license (CDL) to perform essential functions of their job; all employees in emergency response departments (including but not limited to: police officers, fire fighters, EMS, emergency dispatcher); all employees who work in the gas department with the exception of office and clerical staff unless said staff is responsible for taking emergency calls regarding gas or water lines; heavy equipment operators; mechanics that work on safety sensitive personnel equipment and/or vehicles; any employee that drives a city-owned vehicle which transports citizens such as children, senior-citizens, or the handicapped; lifeguards and personnel supervising children at the water park; personnel that supervise children at city parks and/or playgrounds. Therefore, all employees occupying such positions will be subject to random testing by the city.

The city, or an authorized third party, will randomly select employees subject to random testing by using a scientifically valid random number selection method. The method for random selection for said employees shall result in 50% of the total number of safety-sensitive employees subject to random drug testing and 10% subject to random alcohol testing being tested in each calendar year. (Please see the FRE section below for random testing selection information on Federally Regulated Employees.)

The random testing method will be performed by the Human Resources Officer, or an authorized third party, and the Human Resources Officer shall give notice to the employee, or the employee's supervisor if the employee cannot be reached, that the employee must report to the testing site within 1 hour, and the collection of the specimen within 2 hours. Notification will be done in the most discreet and confidential manner as possible to protect the privacy of the employee. Employee shall not discuss when or if a notice for drug testing has been provided to them, or the results of the test, with anyone other than the employee's supervisor, the department head, the Human Resources Officer, or the Mayor.

Test dates will be unannounced and spread throughout the year so that a predictable pattern is not established. Testing will be performed on different days of the week and at different times throughout the cycle as well. All employees that are subject to random testing will have equal chance of being selected for testing, and shall remain in the testing pool even after submitting to a test. This may result in an employee being tested multiple times in a year merely by chance.

Post Accident Testing (PAT)

In order to ensure general workplace safety, post-accident testing (PAT) will be used by the city. This policy will apply to any personnel involved in a workplace accident or an accident involving a city owned vehicle, regardless of whether the employee is classified as safety-sensitive, federally regulated, or general personnel. All employees involved in a workplace accident, including the injured and others involved, will be considered for testing.

Under federal regulations, the city is limited to what accidents are eligible for this type of testing consideration. For example, if an accident involves a death, drug and alcohol testing will be performed on the surviving employee(s) and/or driver(s) within a reasonable period of time. In an accident where medical care is needed away from the scene and for which a citation is issued, if the citation is written within 8 hours, an alcohol and drug test will be required. If a citation is written within 32 hours, only a drug test will be required. The same time limits apply to

vehicular accidents involving damage requiring one or more of the vehicles to be towed, whether or not a death or injury occurred.

The requirement to test for drugs and alcohol following an accident should not in any way delay necessary medical attention for injured people or prohibit an employee from leaving the scene of the accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the employee must remain readily available for testing. If the employee leaves the scene of the accident without arranging for immediate testing and doesn't have a valid reason as stated above to leave the scene, the failure to arrange for immediate testing may be considered as a refusal to test as described in this policy.

Federally Regulated Employees (FRE)

Federally regulated employees (employees that are required to have a CDL in order to perform their job duties and gas pipeline workers) are subject to federally regulated drug testing policies including 49 C.F.R. Part 40. All parts of Part 40 must be strictly adhered to in the testing of employees that are considered FRE. Although employees that are federally regulated can be part of the city's safety sensitive employee pool for random testing purposes, they must also be part of their own random pool exclusive to them only. Therefore, if you are a FRE, you will participate in a pool of employees that are separate from all other employees, including other employees that the city considers safety sensitive but they may not be subject to federal regulations. Although the city uses the testing procedures as stated in the regulations set forth in Part 40 for all employees that are subject to testing in the city, whether regulated or not, there may be special requirements, tests, and/or forms that must be completed if you are a FRE. Please see the Human Resources Officer to determine if you are an employee that is Federally Regulated under the law.

Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment will be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test. The applicant's prior violation will be taken into consideration during the application process but will not result in immediate disqualification from applying for a position.

If an employee violates the policy, he or she will be subject to the disciplinary action of the Mayor and the department head, and may be subject to immediate termination if it is in the city's best interest. Nothing in this policy shall prohibit the Mayor from terminating an employee that violates the policy immediately without the offer of rehabilitation if termination is in the city's best interests.

Assistance

The City of Somerset recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals available in the Human Resources Office.
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee's insurance plan.

However, the ultimate financial responsibility for recommended treatment belongs to the employee, not the city. The employee will not receive pay for any time he/she is absent from work due to receiving treatment. If an employee satisfactorily completes treatment and signs a return-to-work agreement, the employee will be assigned to his/her prior position or one of comparable work and pay.

Confidentiality

All information received by the city through the drug-free workplace program is strictly confidential information. All said records must be kept in a locked file, separate from the employee's personnel file. Access to this information is limited to those who have a legitimate need to know in compliance with HIPPA (45 CFR 164.512(e)). Records will be kept for a minimum of 3 years and any positive results from testing will be kept for a minimum of 5 years.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.

Communication

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy along with a notification letter of the City's Drug and Alcohol Policy regarding pre-employment testing.
- The policy will be reviewed in orientation sessions with new employees.
- Informational material shall be available to all employees and shall be displayed and/or posted at each worksite.
- Ongoing awareness of the dangers of using alcohol and/or drugs will be addressed periodically during training sessions and safety meetings.

Attachment “A” for Exhibit “B”

Testing Procedures:

A. Drug Testing –

1. Under Federal Law, drug testing of employees in safety sensitive positions must meet certain regulations as to the procedures in order to be in compliance with the federal law’s standards. The City of Somerset uses the same testing procedures for both safety-sensitive employees, as well as non-safety sensitive employees to ensure that all employees are treated fairly and according to federal law.
2. Per Federal Law, the city is required to conduct laboratory testing of urine specimens for the following drugs and/or their metabolites:
 - a. Marijuana
 - b. Cocaine
 - c. Opiates
 - d. Phencyclidine (PCP)
 - e. Amphetamines
3. Specimen Collection:
 - a. All urine specimens must be collected at an appropriate collection site. A collection site is defined as a place designated by the city and the Statewide Drug and Alcohol Committee as a place where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drug and/or drug metabolites. Regardless of the collection site location, it must meet the Federal Department of Transportation (DOT) Workplace Drug and Alcohol Testing Program guidelines as set forth in federal law relating to said subject. (See 49 CFR Part 40).
 - b. The site must have a private enclosure for urination, a toilet, a suitable clean writing surface, and a water source for hand washing, which if practicable, will be outside of the privacy enclosure.
4. Collection Site Personnel:
 - a. The collection site personnel are responsible for the integrity of the specimen collection and transfer process, and for ensuring the dignity and privacy of the donor.
 - b. Regardless of the background and training of collection site staff, the city shall provide them with clear and unambiguous written instructions on collecting specimens as set forth below and in the applicable federal code.
5. Collection Process:
 - a. (For specific requirements, refer to 49 CFR Part 40.25.)
 1. Inspect the collection room before and after each specimen collection. Remove any unauthorized persons and materials that could adulterate the specimen.
 2. Verify the identity of the employee with a photo I.D.
 3. Request that the employee check belongings and remove any unnecessary outer garments.
 4. Have employee wash and rinse hands with water and dry them.
 5. Unwrap collection cup in front of employee.
 6. If employee is unable to provide at least 45 ml, the collection site technician shall instruct the employee to drink not more than, 40 ounces of fluids during a period of up to three hours.

7. Within 4 minutes of receiving the specimen, the temperature must be recorded and must be between 90 and 100 F degrees.
8. The city is to be notified should employee refuse to cooperate with the collection process.
9. The collection site person will pour 15 ml of urine into a second bottle, to be used as a split sample, with the 30 ml remaining in the collection container, to be used as the primary specimen.
10. Both bottles must be sealed and labeled in the presence of the donor.
11. A custody and control form must be completed.
12. Both the primary and split specimens shall be sealed in a single shipping container.
13. The specimens should be placed in secure storage until dispatched or shipped to the lab.

b. The urine specimen must be split and poured into two specimen bottles as described above so that employees have the option of having an analysis of the split sample performed at a separate approved laboratory should the primary specimen test result be verified as positive. The employee has 72 hours after being informed by the Medical Review Officer of the city of a verified positive test to request a test of the split sample. The payment of the split sample testing shall be the responsibility of the employee.

c. All drug testing must be completed in a laboratory that is certified by the federal Department of Health and Human Services (DHHS).

d. In the following circumstances, collection personnel must observe a second specimen collection immediately after the first collection:

1. Employee presented a urine sample that falls outside of a normal temperature range;
2. Oral body temperature varies by more than 1C/1.8F from the temperature of the specimen; or
3. The site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.

e. The city may authorize an observed collection when the most recent urine specimen provided by the employee was determined by the lab to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2G/L, or the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under federal law and under the city's policies as a return to work or follow-up test. The supervisor of the collection site person shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. The direct observation must be by a collection site person of the same gender as the individual being tested.

f. Federal regulations require an immunoassay test as the initial test. If any prohibited drug registers above the cutoff level of the immunoassay screen, an aliquot of the same urine specimen must be confirmed by using a technique called gas chromatography/mass spectrometry (GC/MS).

g. The federal regulations require that all drug testing laboratory results must be reviewed by a qualified Medical Review Officer (MRO). The purpose of this review is to verify and validate test results. An MRO is defined in the regulations as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

h. The city shall strictly adhere to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized by federal law to receive said information.

6. Specimen Rejections or Cancellations:

a. The federal DOT has issued the following guidance identifying certain errors and omissions as “fatal flaws” that should result in a specimen being rejected by the laboratory:

1. Specimen identification number on specimen bottle does not match the number on the custody and control form;
2. Specimen identification number is omitted;
3. Collector’s signature is omitted from certification statement;
4. Chain of custody block is incomplete (minimum of two signatures, shipping entry, date, etc.);
5. Employee identification number is omitted on custody and control form unless “refusal of donor to provide” is stated in remarks section;
6. Primary specimen volume is less than 30 ml; if upon arrival at the laboratory, specimen volume is slightly below the 30 ml minimum (within 10%), the specimen may be accepted if the laboratory can ensure that sufficient volume will be available for storage and any necessary reanalyzes for quality control or reconfirmation of results. (note: this provision does not change the federal DOT requirement for the donor to provide 45 ml of urine at the collection site for a split specimen collection.
7. Specimen bottle seal is broken or shows evidence of tampering; or
8. Specimen shows obvious adulteration (i.e. color, foreign objects, unusual odor, etc.)

b. In addition, the MRO should cancel the test results when the following procedural errors have occurred but were not noted by the laboratory:

1. Donor’s signature is omitted from the certification statements unless “donor refused to sign” is stated in the remarks section; or
2. Certifying scientist’s signature is omitted on positive results from the laboratory.

B. Alcohol Testing –

1. Under Federal Law, alcohol testing of employees in safety sensitive positions must meet certain regulations as to the procedures in order to be in compliance with the federal law’s standards. The City of Somerset uses the same testing procedures for both safety-sensitive employees, as well as non-safety sensitive employees to ensure that all employees are treated fairly and according to federal law.

2. Federal Regulations (see 49 CFR Part 654, and 49 CFR Part 382) requires the city to conduct breath alcohol testing on safety-sensitive employees. The breath specimen must be collected through the use of an evidential breath testing device (EBT) that is approved by the National Highway Traffic Safety Administration (NHTSA). The test must be performed by a breath alcohol technician (BAT).

3. The city must identify the individual(s) that will serve as the agency’s BAT. The supervisor of an employee to be tested for alcohol misuse must not serve as the BAT for that employee.

4. Alcohol Testing Site:

a. Alcohol tests should be conducted at a site that provides privacy to the individual being tested. The testing site must be secured with no unauthorized access at any time the EBT is unsecured or when testing is occurring. The BAT must conduct only one test at a time and must not leave the testing site while the preparations for testing or the test itself are in progress.

b. In unusual circumstances (i.e. accident) an alcohol test can be conducted at a place other than an alcohol testing site. The BAT shall conduct the test in a manner that provides the employee with privacy to the greatest extent practicable.

5. Screening Alcohol Test:

- a. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. Following the screening test, the BAT must show the individual the result displayed on the EBT or the printed result. If the result of the test is less than 0.01, no further testing is required and the test will be reported to the employer as a negative test. The employee may return to his safety-sensitive position.
- b. If the result of the screening test is an alcohol concentration of 0.01 or greater, a confirmation test must be performed at least 15 minutes, but not more than 20 minutes, after the completion of the initial test.

6. Incomplete Tests:

- a. If the screening or confirmatory test cannot be completed, the BAT must, if practicable, begin a new test using a new alcohol testing form with a new sequential test number.
- b. Refusal by an employee to complete and sign the alcohol testing form, to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated.
- c. If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform the employer. The employer shall direct the employee to obtain, from a licensed physician who is acceptable to the employer, an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason for the inadequate amount of breath, the employee's failure to provide the amount needed will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.

7. Test Accuracy:

1. To protect the integrity of the test and to ensure accurate results, the procedures for conducting an alcohol breath test are rigorous. Alcohol tests are considered invalid when the following occurs:
 - a. The external calibration check of the EBT produces a result outside the allowed tolerance levels.
 - b. A device other than an NHTSA approved EBT is used.
 - c. The BAT does not wait 15 minutes between the screenings and confirmatory tests.
 - d. A valid air blank test that registers 0.00 is not performed before each confirmation test.
 - e. The alcohol test form with the attached EBT printout is not completed correctly. Employee and BAT signatures, or relevant BAT remarks should be included.
 - f. The EBT fails to print the confirmation results, the sequential test number on the EBT is not the same as the number on the printout, or the alcohol concentration displayed on the EBT is different from what is printed out.

EXHIBIT C

Overview of the Family and Medical Leave Act

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces the Family and Medical Leave Act (FMLA) for all private, state and local government employees and some federal employees. Most Federal and certain congressional employees are also covered by the law and are subject to the jurisdiction of the U.S. Office of Personnel Management or the Congress.

FMLA became effective on August 5, 1993, for most employers. If a collective bargaining agreement (CBA) was in effect on that date, FMLA became effective on the expiration date of the CBA or February 5, 1994, whichever was earlier. FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. The City of Somerset uses the permitted "rolling-year method" to calculate the time available to an employee during a 12-month period prior to or after the commencement of leave. For example, the 12 months referred to herein is calculated by measuring backwards from the date the employee uses any FMLA leave. The amount of time left to the employee is the same as whatever amount of the 12 weeks was not used in the past 12-month period. On each day of the year, the amount of any given employee's FMLA leave is calculated by how much of the 12-week entitlement was consumed in the 12 months before that date.

The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and protection for employees who request or take FMLA leave. The law also requires employers to keep certain records.

EMPLOYER COVERAGE

FMLA applies to all:

- Public agencies, including state, local and federal employers, local education agencies (schools) **and**
- Private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year **and** who are engaged in commerce or in any industry or activity affecting commerce — including joint employers and successors of covered employers.

EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits, an employee **must**:

- Work for a covered employer;
- Have worked for the employer for a total of 12 months;
- Have worked at least 1,250 hours over the previous 12 months; and
- Work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

LEAVE ENTITLEMENT

A covered employer must grant an eligible employee up to a total of 12 workweeks of **unpaid** leave during any 12-month period for one or more of the following reasons:

- For the birth, bonding, and care of the newborn child of the employee;

- For placement with the employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; **or**
- To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a **combined** total of 12 work-weeks of family leave for the birth, bonding, and care of the newborn child, for placement of a child for adoption or foster care and to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently — which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

If FMLA leave is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval. FMLA leave may be taken intermittently whenever **medically necessary** to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

NOTE: Employees **must use** any accrued **paid** leave (such as sick or vacation leave) prior to being granted unpaid FMLA leave. The employer is responsible for designating if an employee's use of paid leave counts as FMLA leave, based on information from the employee. "**Serious health condition**" means an illness, injury, impairment, or physical or mental condition that involves either:

1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility and any period of incapacity or subsequent treatment in connection with such inpatient care; **or**
2. Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
 - 2.01 A health condition (including treatment therefore, or recovery therefrom) lasting more than three consecutive days and any subsequent treatment or period of incapacity relating to the same condition, that **also** includes:
 - Treatment two or more times by or under the supervision of a health care provider; **or**
 - One treatment by a health care provider with a continuing regimen of treatment; **or**
 - Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; **or**
 - A chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; **or**
 - A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; **or**
 - Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

"Health care provider" means:

1. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; **or**
2. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice and performing within the scope of their practice, under state law; **or**
3. Nurse practitioners, nurse-midwives and clinical social workers authorized to practice and performing within the scope of their practice, as defined under state law; **or**
4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; **or**
5. Any health care provider recognized by the employer or the employer's group health plan benefits manager.

MAINTENANCE OF HEALTH BENEFITS

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave.

If the employer has paid insurance premiums on behalf of the employee while said employee was on FMLA leave, the City reserves the right to recover said premiums it has paid in order to maintain health coverage for the employee once said employee returns to work, or once the FMLA period expires and the employee has not returned to employment.

JOB RESTORATION

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment.

In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to **before** using FMLA leave, nor be counted against the employee under a "no fault" attendance policy.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid "**key**" employees after using FMLA leave during which health coverage was maintained. In order to do so, the employer must:

- Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
- Notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision;
- Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; **and**
- Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

A "**key**" employee is a salaried "eligible" employee who is among the highest paid ten percent of employees within 75 miles of the work site.

NOTICE AND CERTIFICATION

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. Employers may also require employees to provide:

- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- Second or third medical opinions (at the employer's expense) and periodic recertification; **and**
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

When intermittent leave is needed to care for an immediate family member or the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the employer's operation.

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to \$100 for each separate offense.

Also, covered employers must inform employees of their rights and responsibilities under FMLA, including giving specific written information on what is required of the employee and what might happen in certain circumstances, such as if the employee fails to return to work after FMLA leave.

UNLAWFUL ACTS

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

ENFORCEMENT

The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also bring a private civil action against an employer for violations.

OTHER PROVISIONS

Salaried executive, administrative and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to "eligible" employees' use of leave required by FMLA.

The FMLA does not affect any other federal or state law, which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Nor does it affect an employer's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan. The FMLA also encourages employers to provide more generous leave rights.

EXHIBIT D

Overview of Federal Equal Opportunity Laws, including the Americans with Disabilities Act, the Equal Pay Act, the Age Discrimination in Employment Act

The EEOC enforces the following laws:

- **Title VII of the Civil Rights Act of 1964 (Title VII)** - prohibits race, color, religion, sex and national origin discrimination. Title VII applies to employers with fifteen (15) or more employees.
- **Age Discrimination in Employment Act of 1967 (ADEA)** - prohibits age discrimination against individuals who are forty (40) years of age or older. The ADEA applies to employers with twenty (20) or more employees.
- **Title I of the Americans with Disabilities Act of 1990 (ADA)** - prohibits employment discrimination against qualified individuals with disabilities. The ADA applies to employers with fifteen (15) or more employees.
- **Equal Pay Act of 1963 (EPA)** - prohibits wage discrimination between men and women in substantially equal jobs within the same establishment. The EPA applies to most employers with one or more employees.

These laws prohibit employment discrimination based on race, color, sex, religion, national origin, age, disability and prohibit retaliation for opposing job discrimination, filing a charge, or participating in proceedings under these laws.

A business is covered by the EEOC laws if:

- All employees, including part-time and temporary workers, are counted for purposes of determining whether an employer has a sufficient number of employees.
- An employee is someone with whom the employer has an employment relationship. The existence of an employment relationship is most easily shown by a person's appearance on the employer's payroll, but this alone does not necessarily answer the question. Determining whether an employer has enough employees to be covered by these laws is, ultimately, a legal question.

Independent contractors are not counted as employees. Determining whether an individual is, under the law, an independent contractor, also is a legal question that may not be as easy to answer as you might think. If you are unsure whether a business or individual is covered, you may wish to consult with an attorney.

The following may file a charge of discrimination with the EEOC:

- Anyone who believes that his or her employment rights have been violated because of race, color, sex, religion, national origin, age, disability or because of retaliation may file a charge of discrimination with EEOC. By law, EEOC must accept the filing of a charge.

In most geographic areas, a charge must be filed with EEOC within 300 days from the date of the alleged discrimination. In a very small number of areas where a state or local employment discrimination law does not apply, a charge must be filed within 180 days.

EXHIBIT E

Overview of the Immigration Reform and Control Act

The Immigration Reform and Control Act of 1986 (IRCA) makes it unlawful for an employer to hire any person who is not legally authorized to work in the United States and it requires employers to verify the employment eligibility of all new employees.

IRCA also prohibits discrimination in hiring and discharge based on national origin (as does Title VII) and on citizenship status. IRCA's anti-discrimination provisions are intended to prevent employers from attempting to comply with the Act's work authorization requirements by discriminating against foreign-looking or foreign-sounding job applicants.

- IRCA's anti-discrimination provisions apply to smaller employers than those covered by EEOC-enforced laws.
- IRCA's national origin discrimination provisions apply to employers with between 4 and 14 employees (who would not be covered by Title VII).
- IRCA's citizenship discrimination provisions apply to all employers with at least 4 employees.
- IRCA is enforced by the U.S. Department of Justice. For information on IRCA's anti-discrimination provisions, contact:

**United States Department of Justice
Office of Special Counsel for Immigration-Related
Unfair Employment Practices
(800) 255-8155 (employer hotline/voice)
(800) 237-2515 (TDD)**

EXHIBIT F

City of Somerset Travel Expense Reimbursement Policy

This policy is to help the city manage work related travel expenses. As with everything, the city expects employees to act responsibly and professionally when incurring and submitting travel costs. Department heads are responsible for ensuring all travel expenses from his/her department are economical and feasible. The Mayor, or his designee, may require written justification for a questionable travel expenditure before making a decision or paying the employee. The Mayor, or his designee, may reduce or disallow a claim which violates the provisions of this policy. The Mayor, or his designee, shall have the final say as to whether an employee will be reimbursed for a questionable travel expenditure. Please read and follow the city's policy set forth herein very carefully so that you may be reimbursed for your travel expenses.

Definitions:

The following are definitions of the terms as used in this policy.

1. City – the City of Somerset, Kentucky
2. Eligible Employee – any employee, department member, agency member, board member, commission member, institution member, or officer of the city
3. Receipt – any printed invoice showing the place of service, date of service, the amount charged for the service, and description of the service
4. Supervisor – manager, supervisor, department head, or Mayor
5. Employee – all persons engaged in employment of any kind with the city
6. Non-Employees – persons who are not city employees as defined above, but who are traveling on official business for the city or who represent the city, who have been authorized by the city to engage in travel on the city's behalf
7. Subsistence – amount deemed to have been expended by a person authorized to receive reimbursement out of city funds in regards to meals, including tax and tips, while traveling on official city business
8. Work Station – the official work station of an employee assigned to a particular office or street address as assigned by the city or the employee's supervisor/department head

General Policies and Procedures:

Authorization:

All authorizations for travel expense reimbursement must be obtained from the employee's department head or the Mayor in advance of travel, unless an emergency situation exists that warrants immediate travel prior to approval in order to protect the city's best interests. In the case of an emergency requiring the employee to travel on behalf of the city, the employee's department head or the Mayor should be contacted as soon as possible. Out-of state travel and out-of-country travel requires special authorization by the Mayor, or his designee, prior to travel, regardless of whether it is an emergency situation or not. The form for such travel can be obtained from the Mayor or his designee.

Transportation:

All employees traveling on behalf of the city should use the most economical means of travel available. Direct and usual traveled routes should be used unless unavailable due to hazards or closings. Reduced rate travel should be used at all times if available to the employee if the employee must purchase a ticket for rail, plane, bus, or car travel. The following guidelines should be observed by all employees engaged in authorized travel:

1. City Vehicles:

City vehicles should be used for travel when available and feasible. Mileage payments shall not be paid if city owned vehicles are used.

Whenever feasible and available, fuel for city owned vehicles should be obtained from tanks operated by the city. In the event fuel has to be purchased elsewhere, the actual cost of the fuel will be reimbursed.

2. Privately Owned Vehicles/Mileage:

Mileage may not be paid if a city owned vehicle was available and feasible and the employee chose to travel in a private owned vehicle instead. If a city owned vehicle is not available or a feasible option, the employee will be reimbursed per mile at the current allowed mileage amount as set by the state. This amount may change periodically, therefore employees are encouraged to should check with the Budget Director or his/her staff for the correct amount per mile allowed at the time of the employee's travel. Mileage between locations shall be determined by the current edition of Rand McNally Road Atlas.

Mileage will not be paid to any employee for commuting from home to the employee's assigned work station. If an employee's point of origin for business travel out of the county is the employee's residence, mileage will be paid for the shorter between the residence and the travel destination OR the employee's assigned work station and the travel destination. Vicinity travel and/or authorized travel within the county where an employee's work station is located shall be paid according to the city's entire travel reimbursement policy, so long as the mileage is listed and tracked separately on the travel/expense voucher.

3. Pubic Transportation:

Public transportation such as buses, trolleys, and subways/trains should be used if available and feasible. Taxi fares and/or other hired vehicles may not be allowed if more economical transportation was available and feasible.

4. Airline Travel:

Commercial or private airline travel may be used for travel if necessary. The employee should purchase the lowest available fare for commercial air travel that is available and feasible. If an employee chooses are higher commercial fare ticket, the difference between the lowest fare available at the time of travel and the higher fare will not be reimbursed. An employee may choose private-owned aircraft travel only if he/she receives prior authorization from the Mayor. Commercial air travel should always be utilized if available and feasible.

5. Accommodations:

Lodging shall be paid so long as the most economical choice if made considering the location of the lodging. If special rates are available such as government rates, seminar or education participant rates, or other discount/special rate, the employee must take advantage of said rate if available and feasible. In order to be reimbursed for lodging, the employee must be at least 40 miles from their official work station or private residence.

6. Subsistence:

Travel within the United States:

Employees will only be eligible for meal reimbursement and related costs while traveling outside of Pulaski County if his/her work responsibilities require the employee to be temporarily out of the county or if overnight stay is required. Please note, due to IRS and regulations of the Kentucky Finance Cabinet, Employees that travel outside of Pulaski County, **but do not stay overnight**, should speak with the Human Resources Officer to determine if reimbursements for meals are considered a fringe benefit and therefore must be reported to the IRS on the employees W-2 income tax form or if withholding of federal employment taxes from the reimbursement amount is necessary.

Meal periods and allotted amounts are as follows:

Breakfast	6:30 a.m. through 9:00 a.m.	\$7.00
Lunch	11:00 a.m. through 2:00 p.m.	\$8.00
Dinner	5:00 p.m. through 9:00 p.m.	\$15.00

If an employee is required to travel outside of the state during meal period(s), the allotted amounts are as follows:

Breakfast	6:30 a.m. through 9:00 a.m.	\$8.00
Lunch	11:00 a.m. through 2:00 p.m.	\$9.00
Dinner	5:00 p.m. through 9:00 p.m.	\$19.00

At no time will the city reimburse an employee for alcoholic beverages. Said items should be invoiced separately from any food or allowed drink items

Travel outside of the United States:

If an employee travels outside of the United States on authorized business, or is required to attend a lunch meeting or training session in which food is provided for a cost, the employee will be reimbursed the actual expense of the meals and related costs. The employee will be required to submit receipts or invoices for said expenses.

Again, at no time will the city reimburse an employee for alcoholic beverages. Said items should be invoiced separately from any food or allowed drink items.

Other Travel Related Expenses:

The following actual expenses will be reimbursed when related to authorized travel of an employee –

- Parking, Bridge, and Highway Tolls
- Baggage Delivery, Handling, Lodging and Storage
- Overweight Baggage Charges (if not overweight due to personal items)
- Registration Expenses for Meetings/Seminars/Training
- Telephone, Telegraph, Fax, and Internet Access Charges (if use necessary for official business)
-

Executive Expenses:

The Mayor may be reimbursed for actual and necessary expenses for official business travel and in the performance of their official duties (KRS 64.710, OAG 82-168). These expenses include, but are not limited to: lodging, meals, commercial transportation, reasonable tips, and entertaining official business guests.

City Credit Card Use:

The Mayor or department head may authorize an employee to use the city's credit card to meet specified travel expense obligations. All employees authorized to use the city's card are expected to adhere to the policy in regards to services and/or goods purchased while traveling to ensure the expenses are reasonable and economical. Receipts for all credit card purchases must be submitted to the budget Director or his designee within 24 hours of returning from travel. No employee or agent of the city shall use the city credit card for personal use or to gain personal advantages.

Advancement of Travel Funds:

The Mayor or department head may allow the advancement of funds deemed necessary for travel and related expenses that would be allowed for reimbursement under this policy. The employee must receive prior approval of an advancement for travel from the Mayor or department head prior to travel. Employees that have received an advancement for travel expenses must complete a travel voucher at the conclusion of the travel, including any required documentation. The employee is required to refund to the city any funds advanced but not used, or funds used which were not in accordance with this policy.

Travel Voucher/Form:

A travel voucher form will be provided to an employee by the employee's department head, the supervisor, or the Budget Director's staff. The form provided must be used and filled out correctly. The employee may be asked to state the purpose of the subject travel on the form, and attach documentation of certain expenses. Depending on the employee's situation, the employee may be asked to submit the travel voucher once a month, or after a major trip. The employee, his/her supervisor, and his/her department head must sign and date the travel voucher where indicated. Any receipts or requested documentation required to be attached to the form should include the amount, date, location, and type of service provided. Such receipts and/or documents should be attached to the travel voucher by a staple placed in the upper left hand corner. All employees should ask the Budget Director, his designee, or a member of his/her staff any questions related to the form or required documentation to ensure the employee can be reimbursed accordingly.

Appendix

EXHIBIT A

Acknowledgement of Receipt & Understanding

I hereby certify that I have read and fully understand the contents of this Employee Handbook & any and all Exhibits and Attachments to Exhibits which appear at the end of this Employee Handbook, including but not limited to, the City’s Drug and Alcohol Policy. I also acknowledge that I have been given the opportunity to discuss and to ask questions regarding all contents contained in the Handbook and Exhibits with the Human Resources Officer or other designated individual. I agree to abide by the policies set forth in this Handbook and Exhibits, and understand that compliance with these policies is necessary for continued employment. My signature below certifies my knowledge, acceptance, and adherence to the city’s policies, rules, and regulations. I understand that the original of this acknowledgment will be placed in my personnel file and I may request a copy of same for my personal records.

I acknowledge that the city reserves the right to modify or amend its policies at any time, without prior notice. These policies do not create any promises or contractual obligations between the city and its employees and I understand that I am an at-will employee unless my employment position falls into an exception to the employment at-will doctrine by statute, ordinance, or other law.

Signature _____ Date _____

Witness _____ Date _____