



Somerset
The Spirit of Southern Kentucky

CITY OF SOMERSET EMPLOYEE HANDBOOK 2020 EDITION



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

NOTICE

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

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Section 1 – Introduction

About the City of Somerset Handbook

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

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

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

We believe:

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

We embrace:

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

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

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

City Government and Organization

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

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

The distinguishing characteristic of the mayor-council form of city government is the clear separation of powers between the executive (mayor) and the legislative (city council) branches of government. All of the executive and administrative authority is vested by statute in the mayor. [KRS 83A.130(3)]. The city

council is expressly prohibited from performing any executive (or administrative) functions unless those functions have been assigned to it by statute. [KRS 83A.130(11)]. With a few exceptions, the council is restricted to performing the legislative function. The executive branch and the legislative branch are intended to be separate, but co-equal, branches of government. It is very similar to the structure of the state government where the executive/administrative authority is vested in the governor and the council is vested in the General Assembly.

Powers and Duties of the Mayor

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

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

If the mayor delegates their executive and administrative powers, duties, and responsibilities to subordinate officers and employees, they must do so by written executive order.

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

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

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

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

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

Powers and Duties of the Council

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

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

- Establish, by ordinance, all appointed offices and the duties and responsibilities of those offices.
- Enact all codes, rules, and regulations for the general public's health, safety and welfare.
- Provide sufficient revenues to operate city government through the adoption of an annual budget ordinance and by levying all taxes and establishing all fees and charges for city services.
- Establish, by ordinance, the compensation to be paid to all elected and appointed officers and employees of the city. [KRS 83A.070].
- May investigate all activities of city government and may require any city officer or employee to prepare and submit sworn statements regarding the performance of their official duties. If an office,

department or agency under the jurisdiction of the mayor is involved, written notice of the council's action must be provided to the mayor, who then has the right to review any statement before its submission to the council, and to appear on behalf of the office, department or agency in the course of the investigation. [KRS 83A.130(13)].

- May disapprove regulations promulgated by the mayor.
- May override mayoral vetoes by the affirmative vote of one more than a majority of the membership of the entire council. If the council wishes to override a veto, it must do so by the second regular meeting following the return of the ordinance.
- May appoint a new mayor or council member if a vacancy occurs in the office. [KRS 83A.040].
- May remove elected officers for misconduct, inability, or willful neglect of office. [KRS 83A.040(9)].
- May change the manner of electing city officers by adopting the nonpartisan primary election process. [KRS 83A.050(2)].
- May divide the city into wards for the purpose of electing council members. [KRS 83A.100].
- Approve the appointment of nonelected city officers. [KRS 83A.080(3)].
- May call special meetings, upon written request of a majority of the council.

Effect, Amendment and Application of Handbook Policies

- (1) The City of Somerset Employee Handbook (2020 Edition) contains information about the city's employment policies and procedures and an overview of the city's benefits. For specific information about employee benefits, you should refer to the plan documents, which are controlling. The policies and procedures in this Handbook are guidelines only. The city reserves the right to interpret and administer the provisions of this Handbook as needed. The provisions of this Handbook will repeal and replace all previously adopted policies and procedures governing employment with the city.
- (2) Except for the policy of at-will employment, which can only be changed in writing by the mayor, this Handbook and any of the policies and procedures contained herein are subject to change at the discretion of the city. The city may amend or terminate any policy or procedure contained in this Handbook at any time, with or without notice. However, the city will endeavor to communicate any changes to all employees in a timely fashion.
- (3) Each employee should read and become familiar with the information contained in this Handbook. Failure to comply with the city's policies or procedures may result in discipline, up to and including termination.
- (4) The provisions in this Handbook are not intended to in any way create any contractual obligations with respect to your employment.
- (5) These policies and procedures are intended to cover most personnel problems, actions and issues which may arise. Those not specifically covered will be interpreted by the mayor; such interpretation will be in concert with the spirit and letter of these policies and procedures. In

addition, the mayor may write administrative memoranda to interpret or clarify existing policies. These memoranda will have the force of policy and will be filed with the personnel policies and procedures.

- (6) The policies contained in this Handbook apply to all nonelected officers and employees of the city regardless of their departmental assignment or primary responsibilities. These policies may also apply to volunteers, elected officials and members of boards or commissions as required by state and federal law or as noted within the policy.

Employee Handbook

The human resources director will ensure that a current copy of the employee Handbook is prepared and distributed to all new and current employees. All employees are expected to read and sign the Handbook Acknowledgement within 30 days of employment or within 30 days of any amendment to the Handbook. The human resources director will maintain a copy of the Handbook Acknowledgement Form in the employee's personnel file pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.

Administration of the City Personnel System

- (1) The city's policies are applied and enforced by the mayor and supervisory employees, which include department heads and managers. The city expects supervisory staff to foster a working environment where employees take the primary role in their own professional growth and development. Supervisory employees should provide continuous feedback to their employees regarding performance and should address any potential infractions of these policies with employees immediately.
- (2) To ensure fairness and consistency in all personnel matters, the city has designated the human resources director to be responsible for general oversight of the city's personnel system and for all centralized personnel matters such as the recruitment and selection of employees, revision of job descriptions, wage and salary schedules, administration of benefit programs, and maintenance of personnel records.
- (3) No department supervisory employee or other employee will conduct any interview for potential employment or internship, make any offer of employment or internship, or make any modifications to the compensation or benefits of employees without notification to the human resources director and the mayor and compliance with the procedures established by the city. No supervisory employee or other employee will alter, suspend, or fail to enforce or adhere to the policies contained in this Handbook.

Severability

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

Section 2 – Hiring and Employment

At-Will Employment

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

Equal Opportunity Employer

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

Americans with Disabilities Act (ADA)

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

Immigration Reform and Control Act (IRCA)

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

Application and Advertisement of Vacant Positions

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

- (1) The city's open application policy allows persons interested in employment with the city to complete an Employment Application Form at any time regardless of whether or not a vacancy exists, indicating the position(s) applicable. Completed Employment Application Forms will be considered active for a period of six months.
- (2) The city may advertise all vacant position(s) in a newspaper or other form of media. All announcements may include such information as where to apply, deadline for applications, pay range for the position, summary of duties, and position qualifications. All written announcements of vacant position(s) will also contain the following statement, "An Equal Opportunity Employer," as well as may include, "Any applicant who needs an ADA accommodation in the employment selection process will request the accommodation from the human resources director."
- (3) When a federal or state grant requires advertising for a particular position, the human resources director will make sure that all advertisements/announcements are in compliance with said grant.

Application for Position

- (1) Employment Application Forms supplied by the city and completed by applicants will include information about the applicant's training, experience and additional information as required.

Upon request, applicants will be given a copy of the job description stating the duties of the position.

- (2) No person may be appointed to a position unless information on the official Employment Application Form is verified and they meet the qualifications for the position as set forth in the position description.
- (3) The Employment Application Form must be signed and dated by the applicant.

Promotions, Transfers and Temporary Appointments

- (1) Vacancies may be filled by transfer or promotion from within the city. Employees may apply for the position by submitting a written request through their supervisor or the human resources director. An employee may be transferred or promoted from one position to another only if the employee has the qualifications for the higher position. The same procedures as those authorized for ascertaining qualifications for initial appointment to a position will be followed. All pertinent documentation of said transfer or promotion will be entered into the employee's personnel file.
- (2) In the case where vacancies cannot be filled from within city service or from an eligibility list, temporary appointments may be made by the mayor for a period not to exceed six months. In cases where the temporary appointment is to a nonelected office position, appointments are made by the mayor with approval by the city council.
- (3) Temporary appointments will terminate as soon as a qualified candidate can fill the position in question in accordance with personnel hiring procedures.

Hiring and Selection

- (1) Appointment to a position within the city will be made only after it has been determined the person being considered meets the qualifications set out in the current job description for which the appointment is made.
- (2) The policy will apply to current employees who request a transfer or promotion to a vacant position, as well as new applicants for employment or reemployment.
- (3) The qualification of an applicant for a position will be ascertained based on one or more of the following:
 - a. Information the applicant supplies on the official Employment Application Form;
 - b. Written, performance or physical tests or examination or any combination which may be required for the position;
 - c. Personal interview;
 - d. Information and evaluations supplied by references given by the applicant;
 - e. Prior to employment with the city, but only after an offer of employment with the city, the prospective employee must submit to and pass a pre-employment drug test; and
 - f. Other appropriate information as determined.

- (4) All employees are appointed by the mayor except that pursuant to KRS 83A.080, all nonelected city officers will be appointed by the mayor with the approval of the city council. Nonelected officers include:
- a. City Clerk
 - b. City Attorney
 - c. City Engineer
 - d. Police Chief
 - e. Fire Chief
 - f. EMS Chief
 - g. Chief Financial Officer

Employment of Family Members

- (1) Based on the city's Ethics Ordinance, No. 9414 and any amendments:
- a. No official or employee of the city or any city board or agency shall advocate, recommend or cause the employment, promotion, transfer or advancement of a family member to an office or position of employment with the city or any city board or agency.
 - b. No official or employee of the city or a city board or agency shall supervise or manage the work of a family member.
 - c. No official or employee shall participate in any action relating to the employment or discipline of a family member.
 - d. If a promotion comes to a family member who is under the supervision of another family member, the promotion must be approved mayor. In extenuating circumstances, such as in difficulty filling positions, an exception to the supervision restriction above may be allowed. In this circumstance, every effort will be made by the mayor to restructure the department in order to remove the family members from family member supervision.
 - e. As used in this policy, the term "family member" means spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, stepchildren, nieces or nephews, aunts and uncles.

Background and Reference Checks

- (1) It is the policy of the city to perform pre-employment background checks pursuant to KRS Chapter 335B. The purpose of performing these checks is to determine and/or confirm, within appropriate legal and professional limits, the qualifications and suitability of a candidate for the particular employment position for which the candidate is being considered. Many of our employees' job duties involve working closely with other employees and/or the public, significant city-related driving, access to safety-sensitive and expensive tools and machinery, access to confidential information, or access to financial accounts. Therefore, criminal records may exclude candidates with certain criminal convictions that are determined to be job related, as discussed

below. This policy will help ensure that employment-related decisions utilizing pre-employment background checks are made in accordance with applicable law.

- (2) The city will perform pre-employment background checks on all candidates for employment once they have been offered the employment position by using the Background Check Release Review will be limited to information regarding only convictions that are determined to be job related and consistent with business necessity, as discussed below. In addition, if an employee changes positions within the city, an additional criminal background check may be required.
- (3) The city will also perform additional background checks on candidates for any position with the city's youth camps, including youth recreational leagues and programs, pursuant to KRS 194A.382 and 902 KAR 10:040. The city is prohibited from employing, contracting with, or allowing volunteer work from individuals who have been convicted of a criminal offense against a minor or a sex crime, who is a violent offender, or who has been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child. As a condition of employment or involvement in the programs, the law requires:
 - a. A national and state criminal background check; and
 - b. A letter from the Cabinet for Health and Family Services stating the employee, contractor, or volunteer is clear to hire based on no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records.
- (4) The city requires that employees identify any arrests or criminal convictions and complete a self-disclosure form. The city will individually evaluate any arrest or criminal conviction disclosed by an employee prior to making a determination as to that employee's suitability for initial employment or continued employment.
- (5) In addition to KRS Chapter 335B, the city complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal employment opportunity laws and all other applicable legal authority that affect the performing of pre-employment background checks.
- (6) The results of a pre-employment background check are confidential and are only to be shared with employees of the city on a strict "need to know" basis.
- (7) Under no circumstances is having a criminal history or conviction an automatic exclusion to a candidate's eligibility for employment.
- (8) All candidates are required to sign appropriate authorizations and consents prior to performing any pre-employment background checks.
- (9) Background checks are conducted in accordance with all applicable federal, state, and local laws, including any state-law limitations regarding criminal history information that may be obtained and/or used by the city for employment purposes.
- (10) This policy does not override city policy that candidates providing false or misleading information on their application, during an interview, or at any time during the hiring process, may be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.
- (11) Pre-employment background checks should normally be completed after a conditional offer of employment to the candidate. Therefore, all job offers should be conditioned upon satisfactory completion of the pre-employment background checks.

- (12) Prior to taking any adverse action, appropriate pre-adverse and adverse action notices will be sent to the candidate pursuant to federal and any state FCRA laws together with a copy of the report.
- (13) All candidates will be individually reviewed by the mayor and appropriate supervisor. Decisions will be made with respect to employment based on the totality of the candidate's qualifications and the relevant results of the pre-employment background check.
- (14) In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment, or employee's eligibility for continued employment, is based upon the following factors:
 - a. The nature and gravity of the offense for which the applicant or employee was convicted;
 - b. The time that has passed since the conviction and/or completion of the sentence; and
 - c. The nature of the job held or sought.
- (15) The city will only consider final adjudications of guilt (i.e., convictions and guilty pleas) for the potentially disqualifying offenses listed below, or other offenses determined to be job related. Convictions that have been expunged, discharged, or otherwise vacated will not be considered. Various states use different terminology regarding convictions. Therefore, if it is unclear whether a certain offense resulted in a conviction, the city attorney should be consulted.
- (16) Having a criminal history or conviction does not automatically preclude a candidate's eligibility for employment. To assist supervisors and mayor in reviewing criminal records, below is a list of convictions that may disqualify an applicant or employee from employment with the city:
 - a. Crimes Involving Violence, Theft, or Drug Distribution/Trafficking: Certain crimes involving violence, theft, or drug distribution/trafficking have been determined to be job related to all positions within the city. Disqualification of applicants or dismissal of employees with certain convictions is consistent with federal and state requirements.
 1. Violent Crimes: The city has determined that felony convictions within the past seven years for crimes involving violence may disqualify an applicant or employee because of workplace violence concerns, our desire to provide a safe workplace for employees and customers, and because many of the city employees have significant interaction with customers and/or coworkers on a day-to-day basis.
 2. Theft or Property-Related Crimes: The city has determined that felony convictions within the past seven years for crimes involving theft, dishonesty, breach of trust, or destruction of property may disqualify an applicant or employee due to access to equipment and tools, inventory, proprietary information, and/or financial or confidential information.
 3. Drug Distribution/Trafficking Crimes: The city has determined that felony convictions within the past seven years for crimes involving drug distribution or trafficking may disqualify an applicant or employee because these convictions also indicate a general disregard for federal, state, or local law and may demonstrate that the applicant or employee will not be able to follow directions from their supervisor or manager.
 4. The city does not generally disqualify applicants or dismiss employees for drug possession or use convictions. This does not affect the application of its drug and alcohol policy.

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

Medical Examinations

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

- (3) Applicants for certain positions are required to undergo a post-offer physical examination that evaluates their fitness and ability to perform the essential functions of the positions for which they are being considered. All conditional offers of employment extended to candidates who are asked to undergo a physical examination are contingent on satisfactory completion of this requirement within the scheduled period.
- (4) In certain situations, the city can require currently employed workers to undergo a physical examination that evaluates their fitness and ability to perform the essential functions of their position.
- (5) Firefighters, EMTs, paramedics, public works employees and police officers may elect to receive a series of three hepatitis vaccine inoculations. The initial inoculation will be included in applicants' pre-employment physical if they so desire. The pre-employment consent form advises applicants of the availability of this optional screening.

New Employee Orientation

- (1) An orientation will be made available to all new employees as soon as possible after their first day of employment.
- (2) The orientation will consist of the following elements:
 - a. Explanation of the purpose and goals of the city;
 - b. Overview of the city's history, structure and operations;
 - c. Overview of management policies and procedures; and
 - d. Other elements deemed appropriate.
- (3) A copy of the employee Handbook will be made available to all employees at each workstation. A Handbook Acknowledgement of the original employee Handbook and any revisions thereof will be required of all employees subject to these policies. The signed statement will be maintained in the employee's personnel file and retained pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule.
- (4) All new hires will be given a benefits package if they qualify. The human resources director will cover the benefits package with the employee and give them a due date as to when the package must be turned in to qualify for the benefits. Failure to submit the package on the specified date may render the employee ineligible for some benefits.
- (5) The new employee's schedule and job description will be discussed.
- (6) The human resources director will ensure that all required state and federal forms are filled out and placed in their personnel file prior to the employee starting any physical work. All required information will then be filed as required with the federal, state and local governments.

Introductory Period for Police and Fire

- (1) Newly hired police officers and firefighters will serve an introductory period of 12 months. For Police Officers, the 12 month introductory period begins at the time the officer is sworn in, and in

the event, they are sworn prior to attending DOCJT Basic Training, the time spent in training at the DOCJT will not count toward the one-year introductory period.

- (2) While serving under the initial introductory period, police officers and firefighters, may be dismissed at any time without right of appeal, unless otherwise provided by law.
- (3) Performance of police officers and firefighters will be evaluated by the supervisor pursuant to the department's Standard Operating Procedures.
- (4) Completion of the introductory period in no way alters the at-will status of the employee including certified and uncertified police officers and firefighters.
- (5) Completion of the introductory period in no way alters the at-will status of the employee.

Job Descriptions

- (1) The city considers the job description prepared and maintained for every position as one of the most important documents in ensuring effective hiring practices and providing equal employment opportunity to all qualified individuals. The following procedures are designed to ensure the accuracy, completeness, timeliness and fairness of the job descriptions:
 - a. Annually the human resources director with the assistance of the supervisors will review the city's job descriptions to ensure that they are accurate, complete and up-to-date.
 - b. Whenever possible, the supervisor should seek the input of the employee in reviewing the description's accuracy and completeness.
 - c. The job descriptions should contain information that accurately reflects each position's essential functions, duties, responsibilities, purpose, working conditions, and reporting relationships as well as the knowledge, skills, and abilities required of employees.

Continuous Feedback on Employee Performance

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

Personnel Records

- (1) A personnel file will be maintained for each city employee by the human resources director. All changes in the status of employees will be recorded in these files, which will be retained and maintained in accordance with applicable state and federal laws.

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

Change in Personal Information

- (1) It is the responsibility of each employee to promptly notify the human resources director of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times.
- (2) In order for necessary changes to be made without penalty, changes of marital status and dependents must be made within 30 days of the qualifying event.

Access to Personnel Files

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

Job References

- (1) All requests for job references and inquiries regarding an individual's employment with the city will be forwarded to the human resources director for appropriate response. The human resources

director will consult with the mayor and may permit the employee receiving the request to respond, but the City Attorney will review any before it is finalized. This section will not prohibit an employee from being listed as a reference for an individual.

- (2) The city's policy on job references is to provide dates of employment and position description. The law may also require disclosure of incidents of workplace violence involving the employee to a potential employer.

Record Retention

The city will maintain all city records pursuant to the Kentucky Department of Libraries and Archives Record Retention Schedule. A copy of the email and communication retention requirements can be found in Appendix B of this Handbook.

Disciplinary Practices/Procedures

- (1) The city seeks to encourage employees to change problem behavior rather than focusing on punitive measures as a solution. In some instances, these efforts may fail or may be an unsuitable response to an offense. In these instances, city supervisors may use the disciplinary procedures listed below, depending on the severity or frequency of the offense or problem behavior. Supervisors may use any of these disciplinary methods at any time. The following list does not require a progressive disciplinary methodology to be used by supervisors:
 - a. Verbal warning or reprimand/coaching or counseling by a supervisor or department head;
 - b. Written reprimand/counseling by a supervisor or department head;
 - c. Suspension with or without pay;
 - d. Demotion and/or reduction in pay; or
 - e. Termination of employment.
- (2) The supervisor or department head shall notify the human resources director to initiate use of the disciplinary procedures listed under (c), (d) or (e) in section (1) of this policy. The human resources director shall be responsible for informing and involving the mayor and legal staff.
- (3) Supervisors and department heads using the disciplinary procedures outlined in section (1) of this policy shall:
 - a. Document any disciplinary session or conference conducted for the purposes of correcting behaviors that are in violation of the policies contained in this Handbook or are conducted with the intent to correct reoccurring issues related to employee performance on the Disciplinary Form; and
 - b. Provide a copy of any written documentation related to the use of disciplinary procedures to the human resources director for placement in the employee's personnel file.
- (4) For police officers that have completed the introductory period, the provisions of KRS 95.450 will regulate discipline for any internal, general personnel issue. Additionally, for police officers that have completed the introductory period, the provisions of KRS 15.520 will regulate discipline for

any external complaint filed against a police officer or any violation of law enforcement procedures.

- (5) The provisions of KRS 95.450 will regulate discipline of fire department personnel that have completed the introductory period.

Demotion

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

Suspension

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

regulate demotions of officers in the police department who have completed the introductory period when KRS 15.520 does not apply.

- (6) The provisions of KRS. 95.450 shall regulate the suspensions of employees in the fire department after the completion of the introductory period.
- (7) All pertinent documentation of said suspension shall be entered into the employee's personnel file.

Voluntary and Involuntary Termination of Employment

- (1) The mayor has the authority to appoint and remove all city employees, except as otherwise provided by statute, ordinance or contract. Statutes that provide otherwise regarding the termination of employment include:
 - a. For firefighters, KRS. 95.450 states that the employment of any member of the fire department, who has completed the introductory period, may not be terminated for any reason other than inefficiency, misconduct, insubordination or a violation of law or the rules adopted by the city; and only after charges are preferred and a hearing conducted by the city in the manner prescribed by KRS. 95.450.
 - b. For police officers:
 1. KRS 15.520 applies to police officers that have completed the introductory period, and only when involving an external citizen complaint or a violation of law enforcement procedures, requires a hearing conducted by the city in the manner prescribed by KRS 15.520.
 2. For any internal, general personnel issue when KRS 15.520 does not apply, KRS. 95.450 will apply. KRS 95.450 states officers who have completed the introductory period, may not be terminated for any reason other than inefficiency, misconduct, insubordination or a violation of law or the rules adopted by the city; and only after charges are preferred and a hearing conducted by the city in the manner prescribed by KRS. 95.450.
 - c. For nonelected officers, KRS 83A.080 requires a written reason to be provided to the nonelected officer upon termination.
- (2) Employees also have the right to terminate their employment at any time and for any reason. The city asks that you provide a written notice at least two weeks prior to your intent to leave in order to assist the city in the smooth transition of your job duties.
- (3) In the event of the termination of your employment for any reason, you must return all property of the city, including uniforms, keys, credit cards, mobile phones, computer software and hardware, proprietary and confidential materials, reports, and any other city property that may be in your possession. This property must be returned prior to the last day of your employment.
- (4) All pertinent documentation of said termination shall be entered into the employee's personnel file.
- (5) Employees of the city that are absent for more than 3 consecutive working days without notifying a supervisor or the Human Resources Director 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, they will not be entitled to accrued vacation days unless required by law.

Layoffs (Reduction-in-Force)

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

Exit Interview

All employees are asked to complete an exit interview with the human resources director or their designee upon termination of employment. This will enable the city to obtain information regarding why the employee resigned. This will also allow the city an opportunity to cover information for the employee on insurance, retirement, other benefits, and return of city property, in addition to obtaining a forwarding address (if necessary), and any other required information.

Section 3 – General Employment Policies and Rules

Open Door Policy– Complaint Procedure

- (1) At the City of Somerset, we encourage all employees/volunteers to meet with their immediate supervisor to discuss any employment issues or concerns that they may have. If the complaint is against a supervisor, or if the employee/volunteer feels more comfortable, they may discuss the issue with the department head, human resources director, another supervisor, member of management or the mayor.
- (2) The city is committed to maintaining this open door policy, where honest discussion of employee/volunteer concerns can take place in a safe and supportive environment.
- (3) Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that you believe is detrimental to you or to the city, you should bring your concern to the attention of your supervisor, department head, human resources director, member of management or the mayor.

Sexual and Nonsexual Harassment

- (1) Sexual and nonsexual harassment of any kind is absolutely prohibited and will not be tolerated. Sexual and nonsexual harassment negatively affects morale, motivation and job performance. It is inappropriate, offensive, and illegal.
- (2) Sexual harassment on the job is employment discrimination within the meaning of Title VII of the federal Civil Rights Act of 1964 and KRS Chapter 344. In general, sexual harassment means any unwelcome or offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, either by a supervisor, fellow employee, or a person other than an employee who has contact with the city employees. Sexual harassment is unacceptable and is prohibited at work and in work-related settings, such as business trips, business-related meetings, conferences, and employee-related social events. Behavior that constitutes sexual harassment includes, but is not limited to:
 - a. Deliberate, repeated, or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another employee.
 - b. Approval, recommendation, or refusal to take any personnel action with respect to an employee or applicant because of:
 1. The employee's or applicant's rejection of sexual advances, demands, favors, or sexual activity; or
 2. The employee's or applicant's report of a sexual advance or demand for sexual activity.
 - c. Explicit or implicit promises of preferential treatment regarding an individual's employment status in return for sexual favors or sexual activity.
 - d. Exercise or attempted exercise of the power or authority of one's position to control, influence, or affect the career, salary, job, or other employment conditions of an employee or applicant in exchange for sexual favors.
 - e. Repeated sexual jokes, flirtations, advances or propositions.

- f. Graphic verbal commentary about an individual's body, sexual prowess or sexual deficiencies.
 - g. Leering, whistling, touching, pinching, assault, coerced sexual acts or suggestive, insulting or obscene comments or gestures.
 - h. The display in the workplace of sexually suggestive objects, pictures or reading material.
- (3) Any conduct that is intimidating or hostile and interferes with an employee's work performance is prohibited and will not be tolerated. This includes harassment because of an individual's race, religion, color, national origin, sex, sexual orientation, gender identity or expression, pregnancy, childbirth, pregnancy/childbirth-related medical conditions, genetic makeup, age, disability, veteran or family status, or because the employee is a smoker or nonsmoker.
- (4) Any employee who believes they have been subjected to sexual or nonsexual harassment should report the incident promptly to one of the following: their immediate supervisor, department head, the human resources director, the city attorney, or any other supervisor with whom the employee feels comfortable discussing the matter. Employees are encouraged to make prompt reports of the incident to ensure timely response and for remedial measures to be implemented, if necessary. However, all reports of sexual and nonsexual harassment shall be reviewed and investigated regardless of when the alleged misconduct occurred.
- a. All reports of sexual or nonsexual harassment shall be reduced to writing by the reporting employee or by the person receiving the report. Employees may use the Complaint Form for this purpose. The report will be signed by the complaining employee or the person receiving the report. All reports will be kept confidential to the extent feasible and appropriate under the circumstances. The human resources director will inform the mayor of the receipt of the complaint.
 - b. All reports of sexual and nonsexual harassment will be investigated promptly following the receipt of an incident report. The report will be investigated by the human resources director and/or one or more members of the management staff designated by the mayor and the city attorney. The results of the investigation will be communicated to the complainant and to the alleged offender. Any employee found to have engaged in misconduct constituting sexual or nonsexual harassment will be disciplined, up to and including dismissal. In addition, the city may take other steps to correct and prevent future incidents from occurring.
 - c. If the investigation results in a finding that any form of harassment has occurred in the city workplace, the Human Resources Department will create a written report and/or an update of the action taken as a result of the finding. If the investigation results in a finding that harassment did not occur, the Human Resources Department will create a written report of the decision.
 - d. As provided under the Whistleblower Protection for City Employees Policy in Section 4 of this Handbook, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. If an employee suffers any discrimination or retaliation for making a report, the employee should immediately alert a member of management. Any person found to have discriminated or retaliated against an employee who makes a report shall be subject to disciplinary action, up to and including dismissal.
- (5) The city recognizes that the question of whether a particular course of conduct constitutes sexual or nonsexual harassment requires a factual determination. The city also recognizes that false

accusations of sexual or nonsexual harassment can have serious effects on innocent parties. If an investigation results in a finding that a person who has accused another of sexual or nonsexual harassment has maliciously or recklessly made a false accusation, the accuser will be subject to appropriate sanctions, including discharge.

- (6) Training in sexual harassment will be provided by the city.
- (7) Nothing in this policy should be construed as eliminating any employee's rights under Title VII of the Civil Rights Act of 1964, as amended, or under KRS Chapter 344 or as conferring enforceable legal rights beyond those existing under applicable law.

Workplace Violence

- (1) The safety and security of all employees is of primary importance to the city. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals by anyone on city property or off city property while performing job duties related to the city will not be tolerated. Actions of this nature will lead to referral to appropriate law enforcement agencies for arrest and prosecution. City employees who exhibit this type of behavior will be disciplined or discharged. The city may take any necessary legal action to protect its employees and will make every effort to assist any employee experiencing threats of violence.
- (2) Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises shall be removed from the premises as quickly as safety permits and shall remain off city premises pending the outcome of an investigation. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts while in performance of their employment duties shall be immediately suspended, pending the outcome of an investigation of the incident. Following investigation, the city will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.
- (3) All employees are responsible for notifying city management personnel of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed, that they regard as potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on a city-controlled site or is connected to city employment or city business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
- (4) Employees are encouraged to notify either their supervisor or the human resources director if an Emergency Protection Order (EPO) or Domestic Violence Order (DVO) has been issued for their protection.
- (5) The city will make every effort to assist an employee experiencing threats of violence. Assistance may include:
 - a. Confidential means for coming forward for help;
 - b. Resource and referral information (e.g. Employee Assistance Program);
 - c. Leave of absence consideration; and

- d. Special safety considerations at the workplace.
- (6) The city understands the sensitivity of the information requested and will respect the privacy of the reporting employee to the extent allowed by law. The city will endeavor to maintain the anonymity of a reporting party to the extent feasible for cooperation with appropriate law enforcement officials.
 - (7) Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment.
 - (8) Only sworn law enforcement officers are required to carry concealed deadly weapons in the course of their employment with the city. For all other employees:
 - a. Any other form of carrying a deadly weapon is not prohibited.
 - b. An employee carrying a deadly weapon in compliance with the City of Somerset Employee Handbook while performing work for or while on-duty for the city does so as a voluntary act and not at the direction or request of the city. Other than sworn law enforcement officers, no job descriptions or job duties in the city require an employee to possess a deadly weapon.
 - c. An employee that chooses to carry a deadly weapon in compliance with the City of Somerset Employee Handbook has the responsibility to know the law as to where they can or cannot legally carry their deadly weapon. Some locations, including schools, prohibit the carrying of deadly weapons by persons other than sworn law enforcement. Failure to abide by lawful restrictions in those locations, even while performing work for or while on-duty for the City of Somerset, may result in personal liability, criminally and/or civilly.
 - d. An employee that uses a deadly weapon may incur personal liability and the City of Somerset may or may not indemnify the employee for such use.
 - (9) Deadly weapon shall be defined as:
 - a. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
 - b. Any knife, except an ordinary pocketknife or other knife routinely used in the performance of city duties;
 - c. Billy, nightstick or club;
 - d. Blackjack or slapjack;
 - e. Nunchaku karate sticks;
 - f. Shuriken or death star; or
 - g. Artificial knuckles made from metal, plastic or other hard material.

Workplace Safety

- (1) The city's first priority is to maintain a safe working environment for its employees and the public. For the employee's protection, job related injuries, accidents or illnesses must be reported immediately in accordance with the city safety and accident policy.

- (2) Each department will consider the need for adopting safety practices, policy, or procedures warranted by the hazards department employees encounter. Department heads and supervisors are encouraged to involve employees in this process.
- (3) A copy of such practices, policies, or procedures will be delivered and explained in detail. Each department employee shall then sign a receipt, which will be placed in the individual employee's personnel file, stating that they have read and understands these rules. Department heads and supervisors shall also explain to their employees that a violation of these safety rules could lead to disciplinary action up to and including termination of employment.
- (4) Every employee must be safety-conscious and responsible for helping the city achieve the goal of providing a safe workplace.
- (5) Employees shall report any unsafe or hazardous condition to their supervisor, or any supervisor they feel comfortable reporting to, immediately.
- (6) Department heads and supervisors shall report any unsafe or hazardous condition that has been reported to them or that the supervisor is aware of immediately to the mayor.
- (7) Any employee or supervisor who does not report unsafe or hazardous conditions is subject to disciplinary action.
- (8) Employees are expected to use common sense and good judgment in their work habits and to follow safe work practices. Department heads and supervisors shall ensure that safe work practices are utilized. Examples of safe work practices are as follows:
 - a. Using the proper safety equipment when performing a work assignment.
 - b. Not operating equipment or machinery while using prescribed medication without a doctor's written approval.
 - c. When working extended hours (see Hours of Operation Policy within Section 3 of this Handbook.)
 - d. Under no circumstances should an employee operate any type of machinery or equipment while under the influence of drugs or alcohol.
 - e. Operating only equipment or machinery for which training, or orientation has been received.
 - f. Warning coworkers of unsafe conditions or practices.
 - g. Following all safety and operating rules posted on equipment and machinery.
 - h. Refraining from horseplay at all times.
 - i. Wearing safety belts when operating city-owned vehicles or private vehicles when on city business.
 - j. Locking and closing all doors and windows upon being the last person leaving the office/building.
 - k. Following OSHA rules and guidelines. All employees are responsible for maintaining current knowledge of periodic rule/regulation changes made by the issuing state and federal safety agencies.

- (9) Periodic training will be arranged when appropriate in the judgment of the department head or supervisor. Employees will be required to participate in all required safety-training programs offered by the city.

Reporting Work-Related Accidents

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

Drug- and Alcohol-Free Workplace

- (1) The city's mission is to ensure that all public service is delivered safely, efficiently, and effectively by establishing a drug- and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol to promote the health and safety of employees and the general public. In keeping with this mission, the city declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- (2) All employees are expected to read and sign the Drug- and Alcohol-Free Workplace Acknowledgement within 30 days of employment or within 30 days of any amendment to the policy.
- (3) This policy is intended to comply with all applicable federal and state regulations governing workplace anti-drug and alcohol programs. The USDOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens, as well as 49 CFR Part 199, that sets the standards for gas pipeline workers, as well as 807 KAR 5:023, which includes Kentucky standards for gas pipeline workers.
- (4) The city and all CDL employees are federally mandated to comply with the registration and reporting requirements of the FMCSA Clearinghouse under 49 CFR Part 382. This includes the city's obligation to perform pre-employment queries for all CDL applicants, perform annual queries for all CDL employees, and report certain violations or activity as required under 49 CFR Part 382.

- a. CDL employees shall register with the FMCSA Clearinghouse website and shall provide the necessary consent for the city to perform clearinghouse queries, including electronic authorization for all full queries. If an employee fails to provide consent as required under this section, then the employee is unable to perform safety-sensitive functions under federal law and the employee will be removed from duty. The refusal to provide consent shall also be considered a violation under this policy and the employee may be subject to disciplinary action, including termination.
 - b. Pursuant to 49 C.F.R. 382.705, the following shall be reported to the Clearinghouse, with any required documentation as outlined in the regulation, by the close of the third business day following the date on which the information was obtained:
 1. An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
 2. A negative return-to-duty test result;
 3. A refusal to take an alcohol test pursuant to 49 CFR 40.261;
 4. A refusal to take a drug test as determined in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8), or (d)(1) as well as (6)(cc) *test refusal* (1)-(7) of this policy. Note, admissions to the collector of adulterating or substituting the specimen are also reportable.
 5. A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with 49 C.F.R. 40.307 through 40.311; and
 6. The city's report of actual knowledge, as defined under 49 CFR 382.107 and in paragraph (6) of this section, of the following:
 - (a) On-duty alcohol use pursuant to 49 C.F.R 382.205;
 - (b) Pre-duty alcohol use pursuant to 49 C.F.R. 382.207;
 - (c) Alcohol use following an accident pursuant to 49 C.F.R. 382.209; and
 - (d) Controlled substance use pursuant to 49 C.F.R. 382.213.
- (5) This policy is intended to apply whenever anyone is representing or conducting business for the city. Accordingly, this policy applies during all working hours, while on call or paid standby and while performing work on behalf of the city while on or off city property. The policy applies to all city employees with special provisions designated to those employees identified as having responsibilities requiring a heightened safety-awareness level (HSAL). Those "safety-sensitive" positions identified as requiring a heightened safety-awareness level include but may not be limited to:
- a. Police officers;
 - b. Firefighters;
 - c. Paramedics/Emergency Medical Technicians (EMTs);
 - d. Heavy equipment operators;
 - e. Lifeguards;

- f. Natural gas employees who perform on a pipeline an operating, maintenance, or an emergency-response function;
 - g. Employees driving CDL-regulated vehicles;
 - h. Mechanics who work on these regulated vehicles;
 - i. Solid waste/sanitation drivers;
 - j. Wastewater and sewage treatment plant operators;
 - k. Employees who insert chemicals into city water, as well as those that test water; and
 - l. Employees who supervise children and child-related activities.
- (6) Definitions of terms used throughout this policy:
- a. *Accident* means an occurrence associated with the operation of a vehicle or equipment, if as a result:
 - 1. A person dies.
 - 2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident.
 - 3. An employee receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 - 4. Covered employees involved in covered functions regulated by the PHMSA, who cannot be discounted as a contributing factor to an accident or incident involving any of the above, as well as:
 - (a) Explosion or fire;
 - (b) Release of five gallons or more of hazardous liquid or carbon dioxide; or
 - (c) Estimated property damage exceeding \$50,000.
 - 5. The employer could reasonably believe that employee drug or alcohol use could have contributed to an incident.
 - b. *Adulterated specimen* is a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
 - c. *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

- d. *Alcohol concentration* is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device or in blood alcohol content (BAC) when required for post-accident testing.
- e. *Canceled test* is a drug test that has been declared invalid by a medical review officer. A canceled test is neither positive nor negative.
- f. *Consortium* means an entity which may involve varied pools of employers and their employees, established to provide cost-effective services to employees to help the employers comply with the drug-free workplace program requirements.
- g. *Designated Employer Representative (DER)* is an employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40, 199 and 382. For purposes of this policy, the Human Resources Director is the DER.
- h. *Department of Transportation (DOT)* is the department of the federal government which includes the U.S. Coast Guard (USCG), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), Federal Highway Administration (FHA), Federal Motor Carrier Safety Administration (FMCSA), Research and Special Programs, and the Office of the Secretary of Transportation.
- i. *Dilute specimen* is a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- j. *Disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated. This does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.
- k. *Employee* is defined in KRS 342.640 as every person in the service of the city, under any contract of hire, express or implied, and every official or officer of those entities, whether elected or appointed, while performing their official duties; every person who is a member of a volunteer ambulance service, fire, or police department; and every person who is a regularly enrolled volunteer member or trainee of an emergency management agency as established under KRS Chapters 39A to 39E.
- l. *Employee Assistance Program (EAP)* means an established program providing:
 - 1. Professional assessment of employee personal concerns;
 - 2. Confidential and timely services to identify employee alcohol or drug abuse;
 - 3. Referral of employees for appropriate diagnosis, treatment, and assistance with regard to employee alcohol or substance abuse; and
 - 4. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.

- m. *Evidentiary Breath-Testing Device (EBT)* is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA-conforming products list.
- n. *Federally regulated employees (FRE)* are those designated in DOT regulations as safety-sensitive employees and include those regulated by the FAA (Aviation), FMCSA (Commercial Motor Carriers), PHMSA (gas pipeline) and FTA (Transit). These employees include anyone with a commercial driver's license (CDL) or mechanics who work on CDL vehicles.
- o. *Heightened Safety-Awareness Level (HSAL) (safety-sensitive) positions* are those positions involving special, dangerous and skilled activities and those that would involve exceptional duty to community citizens in the area of public safety.
- p. *Medical Review Officer (MRO)* means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with their medical history, and any other relevant biomedical information.
- q. *Negative dilute* is a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.
- r. *Negative test result* for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.
- s. *Non-negative test result* is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.
- t. *Pipeline and Hazardous Materials Safety Administration (PHMSA) employee* is an employee who performs on a pipeline an operating, maintenance, or an emergency-response function regulated by 49 CFR Parts 192, 193 or 195 and 807 KAR 5:022.
- u. *Performing a safety-sensitive function* means an employee is considered to be performing a safety-sensitive function and includes any period in which they are actually performing, ready to perform, or immediately available to perform such functions.
- v. *Positive test result* for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. In addition, the claimed use of CBD products shall not be considered a medical excuse for a positive marijuana test. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.
- w. *Prohibited drug* means cannabinoids/THC, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended. In addition, the city tests for benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, synthetic narcotics, illicit substances and volatile substances as defined by KRS 217.900, KRS 218A.010, and 902 KAR 55, as amended.
- x. *Rehabilitation program* means a service provider that provides confidential, timely, and expert identification, assessment, treatment, and resolution of employee drug or alcohol abuse and can include inpatient or outpatient programs, as well as the EAP.

- y. *Safety-sensitive functions* include:
 - 5. The operation of a vehicle by an employee when the operation of such a vehicle requires the driver to hold a commercial driver's license (CDL);
 - 6. Maintaining a CDL vehicle or equipment used in repair of CDL vehicles;
 - 7. Operating, maintenance, or emergency-response functions on a pipeline regulated by 49 CFR Part 199 and 807 KAR 5:022; and
 - 8. Essential functions of employees that are considered to have heightened safety-awareness level (HSAL) positions.
- z. *Substance* means drugs or alcohol.
- aa. *Substance Abuse Professional (SAP)* means a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.
- bb. *Substituted specimen* means a specimen with creatinine and specific gravity value that is so diminished that it is not consistent with normal human urine.
- cc. *Test refusal* is when an employee does any of the following:
 - 1. Fails to appear for any drug or alcohol test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with any applicable DOT agency regulations, after being directed to do so by the employer.
 - 2. Leaves the scene of an accident without just cause prior to submitting to a test.
 - 3. Consumes alcohol within eight hours following involvement in an accident without first having submitted to post-accident drug/alcohol tests.
 - 4. Fails to remain at the testing site prior to the commencement of the test and until the testing process is complete provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
 - 5. Fails to provide a urine, saliva/breath, or blood specimen for any drug or alcohol test, required by regulations or this policy.
 - 6. Tampers, adulterates, or substitutes a specimen.
 - 7. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's specimen.
 - 8. For an observed collection under DOT regulations, fails to follow the observer's instructions to raise the employee's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.

9. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 10. Fails or declines to take an additional drug or alcohol test the employer or collector has directed the employee to take.
 11. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test.
 12. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector).
 13. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
 14. Fails or refuses to sign the certification of the alcohol testing form.
 15. Provides false information in connection with a drug or alcohol test.
- dd. *Verified negative test* means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).
- ee. *Verified positive test* means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.
- ff. *Validity testing* is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.
- (7) Education and training required for this policy.
- a. Every employee will receive a copy of this policy and will have ready access to the corresponding federal and state regulations including 803 KAR Parts 5, 49 CFR Parts 40, 199, and 382, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
 - b. The employer shall annually verify that the frequency and duration of each employee and supervisor training session meets the requirements of this section and that all employees have participated in the required alcohol and drug abuse education and awareness training program.
- (8) Prohibited substances addressed by this policy include the following:

- a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988: any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR Parts 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs, such as oxycodone, oxymorphone, hydrocodone, and hydromorphone.
 - b. Federal drug testing regulations (49 CFR Part 40) require that all covered employees be tested for marijuana metabolites/THC (this includes any CBD product containing THC at or above the required threshold), cocaine, amphetamines, opiates, and phencyclidine. Illegal use of these five drugs is prohibited at all times, and thus, covered employees may be tested for these drugs anytime that they are on duty.
 - c. The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, any HSAL employee taking any legal substance which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected must report this information to a supervisor, and the employee is required to provide a written release from their doctor or pharmacist indicating that the employee can perform their safety-sensitive functions.
 - d. The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.
- (9) Types of prohibited conduct include:
- a. All employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40 or any other state or federal law, as amended.
 - b. No employee shall consume alcohol while at work or while on call. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The employee will subsequently be relieved of their on-call responsibilities and be subject to discipline.
 - c. The city shall not permit any employee to perform any work-related activity, especially safety-sensitive functions, if it has actual knowledge that the employee is using alcohol.
 - d. No employee shall report to work or remain on duty while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
 - e. No employee shall consume alcohol for eight hours following involvement in an accident or until they submit to the post-accident drug/alcohol test, whichever occurs first.
 - f. No employee shall consume alcohol within four hours prior to the performance of any job functions.
 - g. The city, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.

2. An employee shall not be placed, transferred or promoted into a position until the employee takes a drug test with verified negative result.
3. If an applicant fails a pre-employment drug, tampers with, or attempts to tamper with a urine specimen in any manner, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug and/or alcohol test will disqualify a DOT applicant for employment for a period of at least one year.
4. When an employee being placed, transferred, or promoted submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with section (19) herein.
5. If a pre-employment/pre-transfer test is canceled, the city will require the applicant to take and pass another pre-employment drug test.

(14) Reasonable suspicion testing shall be conducted as follows:

- a. All employees and volunteers will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion drug test can be performed any time the employee or volunteer is on duty.
- b. The designated employer representative (DER) or their designee shall be notified of any indication of reasonable suspicion. Both the observing supervisor and the DER or their representative (if available) will review the policies and procedures herein, and if necessary, make arrangements with a testing facility of the city's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If the DER or their representative is not available, the observing supervisor shall obtain the assistance of another city supervisor or other credible and reliable source. They shall complete the Reasonable Suspicion Observation Form and forward it to the DER. If after completing the form it is determined that there is, in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or their designee will notify the employee and accompany them to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The Reasonable Suspicion Observation Form shall be attached to the forms reporting the test results.
- c. When a reasonable suspicion test is ordered, the employee must submit to testing immediately. The observing supervisor and/or designee shall remain at the testing site with the employee being tested until testing is completed. Any employee who is tested for reasonable suspicion shall be placed on administrative leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the DER may order a reasonable suspicion test.

- d. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish their shift and shall immediately be placed on administrative leave pending disciplinary action as specified in sections (18) and (19) of this policy.
- (15) Post-accident testing will be conducted as follows:
- a. Employees are subject to blood drug and alcohol testing when needed to evaluate the root cause of a workplace accident that harmed or could have harmed employees, or where the employee's performance likely contributed to the accident, and the employer has reasonable suspicion to believe that drugs or alcohol may have contributed, or as required under state or federal law. Testing is not limited to only the injured employee(s).
 - b. Circumstances that constitute probable belief that an employee's performance likely contributed to the accident will be presumed to arise in any instance involving a work-related accident or injury involving:
 - 1. A human fatality;
 - 2. Bodily injury with immediate medical treatment away from the scene where a citation is issued to the driver or the driver is found responsible for the accident;
 - 3. Any disabling damage to a vehicle where a citation is issued to the driver or the driver is found responsible for the accident. Disabling damage is defined as damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner after simple repairs. Disabling damage also includes damage to vehicles that could have been operated but would have been further damaged if so operated;
 - 4. A covered employee involved in covered functions regulated by the PHMSA, as defined in paragraph (5)(t) of this policy, who cannot be discounted as a contributing factor to an accident involving any of the above, as well as:
 - (a) Explosion or fire;
 - (b) Release of five gallons or more of hazardous liquid or carbon dioxide; or
 - (c) Estimated property damage exceeding \$50,000.
 - 5. Safety-sensitive employee or position, as defined in paragraphs (4) and (5)(o) of this policy, who is involved in safety-sensitive activities as defined in paragraphs (5)(u) and (y) of this policy, during the occurrence of the accident, and who cannot be discounted as a contributing factor to the accident; or
 - 6. Any city employee when there is a need to evaluate the root cause of a workplace accident that could have harmed employees and there is reasonable suspicion to believe that the use of drugs or alcohol by the employee could have contributed to the accident. (See Reasonable Suspicion Observation Form.)
 - c. Due to varying types of accident causes, not all accidents will require post-accident testing. Exceptions for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents or injuries:
 - 1. Injuries whose onset is cumulative or gradual such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.;

2. Injuries where the employee can be completely discounted as the contributing factor (e.g., injuries caused by a third party or some other uncontrollable force or event, such as weather, insects, etc.); or
 3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury or accident, (i.e. was performing training as instructed).
- d. Post-accident investigations must take place within two hours following the accident.
 - e. As soon as practicable following an accident, the supervisor investigating will notify the employee operating the vehicle or equipment and all other employees whose performance could have contributed to the accident of the need for the blood test. All employees whose conduct could have contributed to the accident will be subject to testing, not only the employee who reported an injury. The designated employee representative (DER) along with the supervisor will make the determination using the best information available at the time of the decision (See Post-Accident Documentation Summary and Checklist.) *Under no circumstances will the employee be allowed to drive themselves to the testing facility.*
 - f. Pursuant to KRS 342.610(4), all post-accident testing will be done by blood draw.
 - g. The appropriate supervisor shall ensure that an employee required to be tested under this section is tested as soon as practicable but no longer than eight hours following the accident for alcohol, and within 32 hours for drugs.
 1. If a blood alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay.
 2. If the alcohol test is not conducted within eight hours, attempts to conduct the alcohol test must cease and the reasons for the failure to test documented.
 3. If the drug test is not conducted within 32 hours, attempts to conduct the drug test must cease and the reasons for the failure to test documented.
 - h. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident, or until they undergo a post-accident blood alcohol test.
 - i. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
 - j. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
 - k. In the rare event that the city is unable to perform a drug and alcohol test (e.g. employee is unconscious, employee is detained by law enforcement agency), the city may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

- l. The city reserves the right to test all employees whose conduct may have contributed to the accident.
 - m. An employee involved in an accident while on an out-of-town assignment shall notify their supervisor as soon as possible but no later than two hours after the accident occurred. The supervisor shall notify the DER to discuss possible drug/alcohol testing requirements.
- (16) Random testing will be conducted as follows:
- a. All employees in HSAL, FRE, PHMSA, and DOT positions will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
 - b. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
 - c. Employees in HSAL positions, other than those classified as FRE, will have random alcohol testing done at a rate of at least ten percent (10%) annually and drug testing at a rate of at least twenty percent (20%) annually.
 - d. The number of FRE employees randomly selected for drug/alcohol testing during the calendar year shall not be less than the percentage rates established by federal regulations for those safety-sensitive employees subject to random testing by federal regulations. As of 2020, the annual percentage for alcohol testing was 10% and the annual percentage for drug testing was 50%.
 - e. All employees in FRE positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated HSAL positions.
 - f. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection regardless of whether the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
 - g. Random tests can be conducted at any time during an employee's shift.
 - h. Employees are required to immediately proceed to the collection site upon notification of their random selection.
- (17) Return-to-duty testing will be done as follows:
- a. All employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 BAC), or both and be evaluated and released by the substance abuse professional (SAP) or employee assistance program (EAP) before returning to work.
 - b. For an initial positive drug test a return-to-duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test, a return-to-duty alcohol test is required, and a drug test is allowed.
 - c. Following the initial assessment, the SAP/EAP will recommend a course of rehabilitation unique to the individual. The SAP/EAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug- and alcohol-free and there are no undue concerns for public safety.

- d. Employees will be required to undergo frequent, unannounced drug and alcohol follow-up testing upon return to duty. The follow-up testing will be performed for a period of one to five years after the successful completion of treatment, with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the involved SAP/EAP reflecting the SAP's/EAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.
- (18) Refusal to submit to a drug/alcohol test, as listed in section (6)(cc), shall be considered a positive test result and a direct act of insubordination and shall result in termination.
- (19) Consequences of a positive alcohol or drug test include:
- a. As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the DER will contact the employee's supervisor to have the employee removed from the workplace.
 - b. The employee shall be referred to an EAP/SAP for an assessment. The EAP/SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
 - c. A positive drug and/or alcohol test will also result in disciplinary action as specified herein.
 - d. For the first instance of a verified positive test from a sample submitted as the result of a random, reasonable suspicion, return-to-duty, post-accident, or follow-up drug/alcohol test (0.04 BAC), disciplinary action against the employee shall include:
 - 1. Mandatory referral to an EAP/SAP for assessment, formulation of a treatment plan, and execution of a return-to-work agreement. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from employment.
 - 2. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the EAP/SAP the employee is cooperating with their EAP/SAP-recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in section (17) of this policy.
 - 3. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - 4. A periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from employment.
 - e. The second instance of a verified positive drug or alcohol (0.04 BAC) test result including a sample submitted under the random, reasonable suspicion, return-to-duty, post-accident, or follow-up drug/alcohol test provisions herein shall result in termination from employment.
 - f. A confirmed alcohol test result of 0.02 to 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the workday, whichever is longer.

The employee will not be allowed to return to duty for their next shift until they submit to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of 0.02 to 0.039 two or more times within a six-month period, the employee will be removed from duty and referred to the EAP/SAP for assessment and treatment consistent with this policy.

- g. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the EAP/SAP-prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the EAP/SAP has determined that the employee has successfully completed the required treatment program and releases them to return to duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act (FMLA).
 - h. In the instance of a self-referral or a management referral, the action plan for the employee shall include:
 - 1. Mandatory referral to an EAP/SAP for assessment, formulation of a treatment plan, and execution of a return-to-work agreement. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from employment.
 - 2. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the EAP/SAP the employee is cooperating with their EAP/SAP-recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in section (17) of this policy.
 - 3. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - 4. A self-referral or management referral to the EAP/SAP that was not precipitated by a positive test result does not constitute a violation of federal regulations and will not be considered as a positive test result in relation to the discipline defined in section (19) of this policy.
 - 5. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the discipline defined in section (19) of this policy.
 - 6. A voluntary referral does not shield an employee from disciplinary action or guarantee employment with the city.
 - 7. A voluntary referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- (20) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in their chain of command, the employee shall be referred to the SAP for an assessment. The city shall place the employee on administrative leave in accordance with the provisions set forth under section (17) of this policy.

Testing in this circumstance would be performed under the direct authority of the DER. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under federal authority. However, self-referral does not exempt the employee from testing under federal authority as specified in sections (14) through (17) or the associated consequences as specified in section (19) of this policy.

- (21) Employee Assistance Program (EAP) information.
- a. Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The city's health insurance plan through Anthem contains a level of care available for substance abuse treatment through an Employee Assistance Program (EAP) provided for employees as part of their health care coverage. For information on the Employee Assistance Program contact your supervisor or the human resources director or go to anthemeap.com and enter your company code, which is KLC or you may call 800-865-1044.
 - b. All employees of the city are strongly encouraged to voluntarily contact the EAP if they believe they or an immediate family member might have a problem with drug or alcohol abuse. An employee who feels that they have developed an addiction or dependence on alcohol or drugs may be entitled to other benefits in addition to the EAP herein described. The decision to seek such benefits or not is the sole responsibility of the employee. All information concerning the use of the medical insurance plan for this purpose will be treated as confidential medical information. Employees who seek treatment or counseling for substance abuse problems may be eligible for leave pursuant to the city's leave policies.
 - c. If an employee has been identified by a SAP as needing assistance in resolving problems associated with alcohol or controlled substances, the employee will be subject to follow-up testing as prescribed elsewhere in this policy. The SAP shall be either a licensed physician, certified psychologist, social worker, employee assistance professional or addiction counselor.
 - d. Employees who voluntarily report a substance abuse problem prior to being required to take a controlled substance or alcohol test as defined in this policy will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, they will be subject to disciplinary action up to and including termination of employment. Failure to seek such assistance or to abide by the terms of the treatment plan shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a Return-to-Work Agreement that will further define conditions of continued employment.
 - e. The city's EAP provides services to employees regardless of race, color, religion, national origin, disability, sex or age or any other state or federal-protected class.
- (22) The city is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.
- (23) Confidentiality of drug testing procedures and records are as follows:

- a. Drug/alcohol testing records shall be maintained by the human resources director, and except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
 - b. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Employees have the right to gain access to any pertinent records such as equipment calibration records and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
 - c. Records of a verified positive drug/alcohol test result shall be released to the department head and other personnel on a need-to-know basis.
 - d. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
 - e. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding. The information will only be released with binding stipulation from the decision maker to make it available only to parties in the proceeding.
 - f. Records will be released to the National Transportation Safety Board during an accident investigation.
 - g. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
 - h. Records will be released if requested by a federal, state or local safety agency with regulatory authority over the city or the employee.
 - i. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of CFR Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken.
- (24) Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the DER.

Fraternization

- (1) While the city encourages amicable relationships between employees, it recognizes that involvement in a romantic relationship may compromise or create a perception that compromises an employee's ability to perform their job. Any involvement of a romantic nature between employees within the city requires notification to department head or supervisor and the human resources director.
- (2) Any concerns an employee has in a dating relationship with a co-worker may be brought to the attention of the human resources director or any supervisor in which the employee feels comfortable.
- (3) The supervisor and employee should follow the guidance in the Sexual and Nonsexual Harassment Policy and/or the Workplace Violence Policy within Section 3 of this handbook for any

harassment complaints. In addition, employees may use the city provided Employee Assistance Program for any relationship issues.

Media Communications

- (1) The mayor serves as the chief media spokesperson for the city. All media requests shall be directed to the mayor, who is responsible for determining the city staff person most appropriate to make a response. Under certain circumstances, staff members may be directed to respond to a media request when matters touch upon their special areas of expertise. Any employee directly contacted or approached by the media for comments on issues related to the city shall contact the mayor prior to making a response.
- (2) To ensure quality and appropriate formatting, all city communications shall originate from the mayor. One to two weeks' notice to generate releases is standard. The mayor will work with city staff and members on releases pertaining to "breaking news" as needed.
- (3) To ensure consistent quality and branding, all city publications shall originate or be approved by the mayor. Ideally, at least a one-week notice should be given for the creation of a small publication or template. For large publications, a predesign review of the project will occur between the requesting employee and the mayor.

Hours of Operation and Work Schedules

- (1) Normal office hours are Monday through Friday, 8:00 a.m. until 4:30 p.m. Office hours may be modified due to evening meetings and other similar functions, or when weather or other circumstances require.
- (2) The work schedule of the individual employee will be established by the employee's department head or immediate supervisor in a manner that is consistent with the needs of the city. The work schedule may be modified on a temporary basis when necessitated by workload or other work-related factors as approved by the department head or supervisor and any long term "temporary" work schedule change should be reported to the human resources director.
- (3) According to the Occupational Safety and Health (OSH) guidelines, where extended work shifts are "unavoidable," employers should "make efforts, whenever feasible," to give affected workers time for rest and recovery, including extra breaks for extended shifts of more than eight hours. The city expects employees to work eight-hour shifts; however, in severe emergencies, such as snow or water main breaks, employees sometimes must work in excess of eight-hour shifts. Because of safety concerns, no operator shall work more than a 16-hour shift in any 24-hour period. Operators will take a 15-minute break every two hours with a half-hour meal break after four hours. Department heads and supervisors should use good judgment in allowing employees to be off after an extended work shift due to emergency situations. If the department head or supervisor has a question on how to handle an extended work shift due to emergency situations, they should contact the Human Resources Director.

Attendance and Tardiness

- (1) Punctuality and regular attendance are important to the smooth operation of the city. 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.
- (2) All employees are expected to arrive at their designated work space prior to the beginning time of their work shift. An employee that arrives after the appointed time, unless there are circumstances beyond the employee's control, is considered tardy and subject to disciplinary action.
- (3) 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 director no later than one hour after the start of the workday/shift.

Cleanliness of Workstation

- (1) 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. Eating should not be done in city office areas where customers are present.
- (2) All employees are personally responsible for keeping the area around their workstation clean and presentable.
- (3) Employees are also responsible for returning meeting areas to a clean and presentable condition after use.

Visitors

- (1) Only customers and authorized visitors are permitted at the City of Somerset offices. This includes unauthorized salespersons, or those collecting for charitable causes that are not authorized to be in city offices. This is to protect the city from workplace violence, theft or lawsuits.
- (2) Visits from friends and family should be kept to a minimum and should not exceed 15 minutes.
- (3) Employees are responsible for the conduct of their guests.
- (4) Employees should report unauthorized persons on city premises.

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.

Meals and Rest Periods

- (1) Unless other arrangements are made with the employee's immediate supervisor, all employees are expected to take a lunch period of 30 to 60 minutes, depending on the department, each workday which shall occur no sooner than three hours after the employee begins their work shift and no later than five hours after the employee begins their work shift. However, an employee and their immediate supervisor may agree to make a reasonable alternative schedule for a meal period on a temporary basis and any such change should be noted in writing.
- (2) Employees are encouraged to schedule personal breaks as workflow allows. The total time taken for personal breaks should not exceed 15 minutes during each four hours worked. No reduction in compensation shall be made for time spent on personal breaks taken in conformance with this policy for either exempt or nonexempt employees.
- (3) For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times (approximately 20 minutes) to express breast milk for her baby. The city will provide a room which is separate from the bathrooms, is shielded from view by the public and coworkers, and is cleaned and sanitized regularly. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the human resources director.

Inclement Weather

- (1) Emergency closings will be authorized by the mayor. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, employees will be notified by their supervisors.
- (2) If the city system remains closed for an entire day because of an emergency situation, all employees scheduled to work that day will be paid for the number of hours they were scheduled to work. If an emergency closing occurs during hours the city is open, employees will be paid for any remaining hours scheduled. Further, if an employee is off on vacation or sick leave, they will not receive credit for the hours that the city was closed.
- (3) If the city opens late due to an emergency situation, scheduled staff who report to work will receive credit for regular scheduled hours for that day.
- (4) When the city is open but extreme weather conditions make it impossible for an employee to arrive at the regular time, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time, they must charge the day to vacation or leave without pay equal to their regular work schedule for that day. The supervisor should be notified as soon as possible.
- (5) Certain essential services are required to be maintained in any closing. The employees involved in these essential services are excused from work only with the specific authorization of their supervisors, regardless of radio or other announcements. Supervisors should clarify beforehand who essential employees are during emergencies, what their obligations are, and what procedures will be used to let them know whether they will be needed to work. Failure to report to work during emergencies by employees required for essential services may be cause for disciplinary action.

- (6) The city clerk will notify the public and will post closing signs in the event the city opens late or closes early.

Standards of Performance and Conduct

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

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

Dress Code and Hygiene

- (1) As representatives of the city during work hours, it is important for employees to present a professional impression to citizens, vendors, coworkers and others. Clothing should be neat, clean, in good taste, and should not constitute a safety hazard. Employees are expected to maintain the highest standards of personal cleanliness and appearance during work hours and when representing the city outside of normal work hours.
- (2) The minimum standard of dress for city employees is “casual,” but in a professional and appropriate manner.
- (3) For all employees, professional appearance also means that the city expects you to maintain good hygiene and grooming while working.
- (4) An employee may be granted an exception to this policy by their department head or the mayor for certain medical conditions.
- (5) An employee wearing inappropriate attire will be required to leave work to change into appropriate attire. An employee will not be compensated for the time they are away from work to change into appropriate attire, and must use vacation, personal or comp time for the time spent away from work.
- (6) An employee with questions regarding this policy should direct their inquiries to the human resources director.

Uniforms

- (1) The annual budget process shall determine the uniform policy of the city.
- (2) All employees who are authorized to wear uniforms provided by the city shall wear the uniforms during all working hours. Uniforms provided by the city shall be worn only to and from work, and while at work.
- (3) Employees eligible for safety (steel-toed) shoes shall wear the shoes at all hours while at work. Safety (steel-toed shoes shall not be considered a taxable benefit.

Outside Employment for Employees Other than Police Officers

- (1) Outside employment is defined as any paid employment performed by an employee in addition to employment with the city.
- (2) Any employee desiring to perform outside employment may do so provided that such employment does not:
 - a. Interfere with the performance of the employee's duties;

- b. Involve a conflict of interest or conflict with the employee's duties;
 - c. Involve the performance of duties which the employee should perform as a part of employment with the city; or
 - d. Occur during the employee's regular or assigned working hours unless the employee is on annual leave, compensatory leave, or leave without pay. Employees on any form of sick leave, which includes FMLA or workers' compensation leave, may not work outside employment pursuant to section (4) below.
- (3) The employee shall make arrangements with the outside employer to be relieved of duties in the event the employee is called for emergency service by the city.
 - (4) An employee who is approved for sick leave, including FMLA and workers' compensation leave, or who is approved for limited duty, is prohibited from engaging in secondary employment. Employees who engage other employment or in self-employment while on authorized leave of absence or light duty will be terminated unless written authorization has been granted prior to commencement of the leave of absence. The above limitations specifically do not apply to an employee's use of annual leave, vacation leave, or absences resulting from a temporary reduction in force.
 - (5) Any elected or non-elected officer of the city should contact the human resources director to determine if a second job in a government position is in violation of state law pertaining to incompatibility or conflict of interest of government offices.
 - (6) Police officers will follow the policies as found in the department's Standard Operating Procedures.

Use of Office and Mobile Telephones

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

Mobile Telephones and Communications Devices

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

- (1) Standard model mobile telephones and PDAs are purchased by the city and replaced or updated as needed. If a device is lost, stolen, or is physically damaged beyond repair, due to employee negligence or misuse. Employees could be responsible for the purchase of additional equipment or other accessories that are not included with the original purchase of the phone or PDA and could be responsible for the full replacement cost of such items.

- (2) Employees shall not submit, nor shall any supervisor approve any mobile telephone or PDA expenses for reimbursement on an employee expense report.
- (3) Employees who incur additional charges for the purchase of ring tones, other “extras” or overages, or incur charges for the use of “411” directory assistance shall be responsible for those charges and will be invoiced for the amount.
- (4) All city policies including and not limited to safety, harassment, ethical conduct, confidentiality, protected health information, and conflict of interest apply fully to electronic device usage.
- (5) All devices must be protected by a password. The user agrees to never disclose their password to anyone. The password should be a minimum of four characters. The device will automatically be locked after a period of inactivity.
- (6) Lost or stolen phones or other communication devices should be reported to the human resources manager immediately.
- (7) Since mobile telephone, PDA and locally stored data may be subject to Open Records Laws, there is no expectation of privacy. Each user is responsible and accountable for the content and use of these tools. See attached Appendix B, Email and Communications Retention Schedule for more information on records requirements.

Vehicle Use

- (1) The operation of vehicles is necessary in conducting much of the city’s business. This policy establishes requirements governing the operation of city owned, leased, or rented vehicles and the operation of personal vehicles while conducting business on behalf of the city.
- (2) Employees operating the city-owned, leased, or rented vehicles and employees who are performing employment functions on behalf of the city in a privately owned vehicle must meet and adhere to the following requirements:
 - a. The employee shall hold a valid driver’s license;
 - b. Before driving a city-owned vehicle, operators must have a valid drivers’ license for at least three years;
 - c. The employee shall not operate a city vehicle or use a privately owned vehicle in conducting business on behalf of the city while the employee’s license is under revocation or suspension;
 - d. Any employee who may operate a vehicle while performing employment functions on behalf of the city shall be subject to an annual Division of Motor Vehicle Records Check and must sign the Background Check Release Form;
 1. An accumulation of eight or more points in the previous 12-month period or an accumulation of 10 or more points in the previous 18-month period shall be cause for disciplinary action up to and including suspension of city driving privileges.
 2. The human resources director shall advise the employee’s department head and the mayor when a driving record meets this threshold.
 - e. Only city employees are authorized to operate city vehicles.

1. Persons volunteering services to the city are considered employees of the city for purposes of this policy and may operate city vehicles when their duties require travel as long as such travel is under the approval or direction of the department head and necessary in the course of performing official city business; and
 2. Employees of other public entities may operate city vehicles under the specific approval of the department head as long as such operation is essential in conducting city business. Department heads granting permission for non-city employees to operate city vehicles are responsible for insuring that the driver is properly licensed, trained and qualified to operate the vehicle.
- f. Only persons being transported in connection with official city business shall be passengers in any city vehicle.
 - g. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any city vehicle may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action.
 - h. When cargo, materials or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
 - i. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this prohibition shall be vehicles assigned to the Sanitation Department which are suitably designed and equipped for passengers outside the cab area.
 - j. Alcoholic beverages shall not be transported or placed in any city vehicle without prior approval by the Chief of Staff or Mayor.
 - k. Pre-operation inspection for passenger sedans, light duty pick-up trucks and all other vehicles that do not require a commercial driver license (CDL).
 1. At least once per day, the operator of these vehicles is responsible for insuring that all vehicle safety equipment including headlights, turn signals, brake lights and horn are functioning properly.
 2. The operator is also responsible for ensuring that fluid levels including brake, transmission, engine oil and coolant are properly maintained.
 - l. Pre-operation inspection for all vehicles that require a commercial driver license (CDL).
 1. At least once per day, the operator of these vehicles is responsible for insuring that all vehicle safety equipment including headlights, turn signals, brake lights and horn are functioning properly. The operator is also responsible for ensuring that fluid levels including brake, transmission, engine oil and coolant are properly maintained.
 2. In addition to the requirements above, the operator of these vehicles is responsible for insuring that all pre-operation checks as required by Department of Transportation CDL rules are complied with. In addition, the operator shall complete a Vehicle Condition Report at the beginning of the first shift of each

day. At the end of the week the form shall be forwarded to the supervisor or department head.

3. Any defects which will affect safe operation of the vehicle will be promptly reported to the driver's supervisor or Central Garage. No employee shall operate a city-owned vehicle in an unsafe condition. Any vehicle damage, which is beyond normal wear and tear must be documented and reported to the employee's supervisor and Central Garage.
- m. The employee shall not leave the vehicle unattended without first stopping the motor, locking the ignition, removing the key, and locking the doors;
 - n. When using a trailer, dolly or other equipment, the following shall apply:
 1. The driver shall assure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.
 2. The driver shall ensure that the trailer or other towed equipment is supplied with proper lighting including brake lights, turn signals, and running lights.
 3. Any vehicle having a load which extends more than four feet beyond the rear shall have the end of the load marked with a red flag which shall be at least 12 inches square.
 - o. Backing guidelines for large vehicle and construction equipment are as follows:
 1. Whenever possible, the driver will position the vehicle so as to avoid the necessity of backing.
 2. Before entering the vehicle, the driver shall check the rear clearance of the vehicle.
 3. The driver shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic.
 4. A spotter should be used whenever possible.
 5. Before and during backing movements, the driver and spotter will check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow a full stop.
 - p. The employee shall obey all city, county, state, and federal laws and regulations;
 - q. The employee shall not operate a motor vehicle while under the influence of alcohol or while being under the influence of illegal or controlled substances;
 - r. The employee and all occupants shall wear safety belts at all times;
 - s. The employee shall have on their possession a valid driver's license at all times they are operating a city vehicle or using a privately owned vehicle in the performance of city business;
 - t. No employee shall operate a vehicle while normal vision is obstructed;

- (3) The city will not provide coverage for liability or physical damage to an employee's privately owned vehicle. Employees who use personally owned vehicles for city business should confirm that their personal auto insurance policy provides coverage for this use.
- (4) Any employee who receives a citation or towing charge while operating a city vehicle shall notify the human resources director, in writing within 48 hours of receipt of the citation or towing charge.
- (5) An employee who operates a city motor vehicle is required to notify the director, in writing within 48 hours, of any motor vehicle violation conviction entered against the employee that involves driving while under the influence, or which has resulted, or may result, in the suspension or revocation of the employee's motor vehicle license.
- (6) If the operation of a city vehicle is a condition of employment, and an employee is unable to operate a motor vehicle due to the suspension or revocation of the employee's license, the employee must inform the human resources director of the suspension or revocation. Employees who have obtained temporary driving permits or hardship licenses shall not be permitted to operate over-the-road city or privately owned vehicles in the performance of official city duties. Additionally, the employee must, at his/her own expense, arrange for and provide transportation so the employee is able to continue to fulfill the employee's job requirements.

Assigned City Vehicles

- (1) When economically feasible and in the best interest of the city, employees may be assigned a city vehicle which they will keep and maintain for business and personal use during the time of assignment. A full-time employee with a position that requires business driving, who holds a valid driver's license and has a good driving record as determined by the mayor, may be eligible for the assignment of a city vehicle under any of the following conditions:
 - a. The employee's position requires the employee to be on call and available to the city.
- (2) An employee assigned a city vehicle on a permanent basis is subject to the following requirements:
 - a. Mileage Logs: Employees, other than those that drive qualified nonpersonal use vehicles, shall maintain a log of their travel, which records each trip's purpose and the odometer reading at the beginning and end of each trip. Each trip is to be shown as a separate entry on the log and trips between home and work are to be listed individually. In recording business mileage, the city and the employee assigned a city vehicle will comply with IRS definitions.
 1. Business-use mileage includes all mileage that is not defined as personal-use mileage. For example, mileage between an employee's residence and temporary work locations or between a temporary work location and residence or travel between work locations, either temporary locations or regular locations.
 2. The employee may use the city vehicle for personal use. Personal use includes travel from the employee's residence to the city's office or from the city's office to the employee's home, which is considered to be commuting miles and is reported as personal mileage.
 - b. Reporting of Mileage: On a monthly basis, the employee shall submit city business-use mileage and personal-use mileage on the Mileage Log. The employee shall submit their

mileage log to the human resources director within 15 business days after the start of the following calendar month. The failure to report this information in a timely manner may result in the treatment of mileage as 100% personal use. The employee may be liable for additional taxes as a result and may be required to reimburse the city for use of the vehicle, and/or may be required to relinquish the vehicle until completed mileage reports are submitted.

- a. Gas Expense: An employee shall submit receipts for refueling assigned vehicles in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook. On a quarterly basis, the employee shall reimburse the city for the value of personal use of gasoline used in the assigned vehicle. The reimbursement amount shall be calculated using the total gas receipts for the quarter multiplied by the percentage of personal use for the quarter.
 - b. Maintenance, Inspection and Repairs: The employee is responsible for ensuring that routine maintenance on the vehicle, as specified in the owner's manual, and as the city may specify in writing, is performed at the intervals specified in such documents. Service other than routine maintenance must be performed at the service center as directed by the city. Information on the service center can be obtained from the Safety Coordinator.
 - c. The city will arrange for license plates, registration certificates, and insurance cards. The city pays local property taxes. The employee should not receive a tax bill.
 - d. An assigned vehicle shall be turned in no later than the last day of employment. A terminated employee shall not continue use of the vehicle under any circumstances.
- (3) In operating an assigned city vehicle:
- a. The employee shall not permit or give permission for any person besides the employee's spouse, in an emergency, or another city employee to drive the city vehicle. Violation of this provision will subject the employee to disciplinary action.
 - b. The employee shall follow the Vehicle Use Policy as set forth in Section 3 of this Handbook.
 - c. The employee shall report vehicle accidents in accordance with the Vehicle Accidents Reporting Requirements policy in Section 3 of this Handbook.
- (4) Vehicles in the city's car fleet will be replaced at the city's discretion. In addition, the city may, at its discretion, revoke a vehicle assignment at any time or otherwise change the position or work requirements of the employee.
- (5) Police officers will follow the policies as found in the department's Standard Operating Procedures.

Distracted Driving

- (1) Employees shall not use cellular telephones, or any other mobile electronic devices while operating a motor vehicle to read or respond to emails and text messages. In addition, employees are prohibited from wearing a headset or earphones over or in both ears.
- (2) Pursuant to KRS 189.292, this policy shall not apply to an emergency or public safety vehicle, when the use of a personal communication device is an essential function of the vehicle operator's official duties.

- (3) This policy is in effect while operating a city-owned vehicle or operating a privately owned vehicle in the course of conducting city business.

Vehicle Accident Reporting Requirements

- (1) An employee involved in a vehicle accident with a vehicle owned, leased, or rented by the city or involved in a vehicle accident in a privately-owned automobile while on city business shall follow these rules:
 - a. Summon medical care for injured individuals;
 - b. Notify appropriate law enforcement authorities;
 - c. Notify the employee's immediate supervisor;
 - d. Do not admit responsibility or fault or offer settlements;
 - e. Cooperate with law enforcement authorities and emergency medical personnel;
 - f. Obtain the names and addresses of any witnesses and involved parties;
 - g. An incident report will need to be completed and submitted within 24 hours of the accident; and
 - h. Submit to a drug and alcohol test as described in the Drug- and Alcohol-Free Workplace Policy in Section 3 of this Handbook.
- (2) The employee's immediate supervisor shall be responsible for initiating any departmental investigation, ensuring the completion of all required city reports and recommending any follow-up preventative actions. In addition, the supervisor shall notify the human resources director of any injuries sustained by a city employee in accordance with the Reporting Work-Related Accidents Policy in Section 3 of this Handbook.

Information Technology Acceptable Use Policy

- (1) The city's electronic resources are provided for the transaction of official business of the city. This policy is intended to establish rules applicable to all city personnel in order to ensure the city's electronic resources are appropriately utilized and protected.
- (2) All data that is stored on media owned by the city is the property of the city. To properly maintain and manage this data, the management may exercise at any time its right to inspect, record, and/or remove any or all information contained in computer databases, files, and email records, and to take appropriate action should unauthorized or improper usage be discovered.
- (3) All employees and officers who use computer equipment and software in the performance of their duties shall take all reasonable and necessary precautions to prevent damage to the equipment and software. To ensure the integrity of the city's computer system and software, all employees and officers are prohibited from connecting any hardware or loading any software onto the system, or any individual component of the system, unless the hardware or software has been specifically approved in advance by the Information Technology Department.
- (4) Access to the data stored on the city's computer systems shall be limited to city employees and officers who require such access for the performance of their assigned duties. Employees or

officers may not attempt to use passwords to gain access to coworkers' email or computer files without appropriate authorization.

- (5) No employee or officer shall make copies of data or software programs owned by the city for their own personal use, or for any purpose not required by the employee's assigned duties. In the event that a software licensing agreement authorizes the reproduction of software and an employee desires to obtain a copy of the software for installation on a single home computer to assist the employee in the performance of assigned duties outside of regular office hours, the employee shall seek specific approval from the Information Technology Department before copying the software.
- (6) All city business email communications shall be conducted through the city email accounts. No city business conducted by an officer or employee of the city shall occur through a personal email account. Any city business conducted outside of the city email account will be subject to public records and it is the responsibility of the employee or officer to retain those messages in accordance with the Open Records Act, the Kentucky Department of Library and Archives Schedule and the Email and Communications Retention Schedule, as set out in Appendix B. Questions regarding any recordkeeping requirements should be directed to the city clerk.
- (7) Employees or officers should have no expectation of privacy associated with information they transmit through or store in electronic mail programs owned by the city, even those on a cell phone. All messages and data processed electronically over the city-owned computers and communications systems are the property of the city and may be subject to the Open Records Act.
- (8) In order to maintain the integrity and security of the city computer resources, employees or officers are strictly prohibited from downloading any software, unless prior approval is granted by the employee's supervisor after consultation with the Information Technology Department. Excessive use of the internet for personal reasons during work hours may be grounds for disciplinary action.
- (9) Internet usage is intended for job related activities; however, incidental and occasional brief personal use is permitted within reasonable limits.
- (10) All internet data that is composed, transmitted, or received via the city's computer communications systems is considered to be part of the official records of the city, and as such, is subject to disclosure to law enforcement or open records requests. Consequently, employees should always ensure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.
- (11) The equipment, services, and technology provided to access the internet remain at all times the property of the city. As such, the city reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.
- (12) The electronic mail and other information systems including facsimile machines of the city are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
- (13) There is to be no display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of email communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, sexual orientation, age, disability, or religious or political beliefs.

City Social Media

- (1) The city may utilize social media and social network sites to further communicate with citizens.
- (2) The intended purpose behind establishing the city’s social media sites is to disseminate information from the city and to encourage discussion of city issues, operations and services by providing members of the public the opportunity to participate through various platforms.
- (3) For purposes of this policy, “social media” is understood to be content created by individuals using the internet. Examples of social media include Facebook, blogs, Instagram, RSS, YouTube, Second Life, Twitter, LinkedIn, and Flickr.
- (4) For purposes of this policy, “comments” include information, articles, pictures, videos or any other form of communicative content posted on the city’s social media site.
- (5) The establishment and use by any city department of city social media sites are subject to approval by the mayor or their designee.
- (6) City social media sites should clearly state they are maintained by the city and that they follow the city’s Social Media Policy. All social media sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- (7) The site should adhere to all applicable state, federal and local laws, regulations and policies including city information technology and records management policies.
- (8) The designated coordinator of the social media site will monitor content on the social media site to ensure adherence to both the city’s Social Media Policy and the interest and goals of the city. The city reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the designated coordinator as determined by the Email Retention Policy in Appendix B, including the time, date and identity of the poster, when available.
- (9) The city’s website is <https://www.cityofsomerset.com/> and will remain the city’s primary and predominant internet presence. All city social media sites shall have the government’s contact information prominently displayed. Whenever possible, the city’s social media sites should link back to the city’s official website for forms, documents, online services and other information necessary to conduct business with the city.
- (10) All social networking coordinators shall be trained regarding the terms of the Social Media Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy. When possible, the city’s IT security policies shall apply to all social networking sites and articles.
- (11) Employees representing the city via the city’s social media sites must conduct themselves as a representative of the city at all times and in accordance with all city policies.
- (12) The city will post the following on any social media page in a conspicuous location:
Comments placed on the social media site are subject to the following guidelines:
 - a. As a public entity the city must abide by certain standards to serve all its constituents in a civil and unbiased manner.
 - b. The city’s social media sites prohibit the posting of content and/or comments containing any of the following:

1. Comments not topically related to the particular site or blog article being commented upon;
 2. Profane language or content;
 3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation, or any other protected class status;
 4. Sexual content or links to sexual content;
 5. Solicitations of commerce;
 6. Conduct or encouragement of illegal activity;
 7. Information that may tend to compromise the safety or security of the public; or
 8. Content that violates a legal ownership interest of any other party.
- c. The city reserves the right to deny access to the city's social media sites for any individual who violates the city's Social Media Policy, at any time and without prior notice.
 - d. Departments within the city shall monitor their social media sites for comments requesting responses from the city and for comments in violation of this policy.
 - e. When a city employee responds to a comment in their capacity as a city employee, the employee's name and title shall be made available, and the employee shall not share personal information about themselves or other city employees.
 - f. All comments posted to any city social media site are bound by the Social Media's Statement of Rights and Responsibilities, and the city reserves the right to report any violation to the social media site with the intent of the social media site taking appropriate and reasonable responsive action.

Employee Guidelines for Participating in Social Media

- (1) The City of Somerset recognizes the valuable role of connectivity social media plays in many lives. Along with vast ways to connect and share, comes great risks and certain responsibilities. The purpose of this policy is to outline the City's expectations for all employees when using social media.
- (2) Social Media includes any websites and applications that enable users to create and share content or to participate in social networking. Examples of social media include Facebook, Instagram, YouTube, Twitter, LinkedIn, blogs, etc. When using Social Media for work or personal use, please follow the guidelines below:
 - a. **Be Respectful.**
 1. Mutual respect is encouraged by all employees of the City and within our community, including social media platforms. Remember to be courteous and

mindful when engaging in social media. The City of Somerset will not tolerate any form of harassment or discrimination, including harassment and discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation, or any other protected class status.

b. **Be Honest and Accurate.**

1. Be honest about your identity. In personal posts you may identify yourself as an employee of the City of Somerset but be clear that you are sharing your personal views and not speaking on behalf of the City. In addition, the City of Somerset's name or logo should not be used to promote or endorse any product or cause unless authorized and approved to do so.
2. If you are posting content on any website that may relate to your position or your employment with the City of Somerset, use a disclaimer like: "This post reflects my own views and does not represent the City of Somerset's positions or opinions." Or similar wording.

c. **Be Responsible and Confidential.**

1. You are responsible for the posts or contents you share. Be cautious that what you publish or share on social media should not be considered private. Anything shared on social media may be quickly saved or shared with others and retained permanently. Be sure to think before you post, as to not regret something you cannot rescind. It is important to protect your privacy, as well as the privacy and confidentiality of work-related items. Sharing of the City of Somerset's confidential and proprietary information is strictly prohibited.

d. **Be Approved for Work Related Social Media.**

1. Connectivity with our city and community is a vital part of the services we provide as City employees. For some positions, social media is used to connect, promote, and share ideas, events, and important updates. Any messages that might act as the voice or position of the City of Somerset or the use of social media for any work-related purpose must be approved by a department manager, the Chief of Staff, or the Mayor. Employees should never misrepresent the City, or the authority given to them by the City. If you are unsure if a message or post has been approved, please contact your department manager or the Chief of Staff.

e. **Be Accountable.**

1. In the event you discover other employees not upholding the guidelines of this social media policy, you may contact the Human Resources Department to report such violations. We do not encourage the monitoring of employees' social media profiles, posts, or interactions; however, we do promote accountability. Reporting of such activities will not result in retaliation or discrimination and will

be reviewed confidentially. Any violations of this policy may result in disciplinary action, up to and including dismissal.

- (3) Social Media is an exceptional communication tool when used respectfully, honestly, and responsibly. The City of Somerset expects all employees to be a valued member of the community and carry those same values through social media platforms. Be thoughtful and timely when making posts or sharing with others.
- (4) If you have questions about this policy or whether something should be shared, please contact the Human Resources Department.
- (5) Guidelines for participating in social media by police officers and firefighters are contained within the Police Department Standard Operating Procedures and the Fire Department Standard Operating Procedures.

Employee Privacy Expectations

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

Smoke-Free Workplace

- (1) The city has a strict no-smoking policy in all city buildings to provide a safe and healthy environment for all employees and customers.
- (2) Smoking, use of e-cigarettes or chewing tobacco is not allowed:
 - a. In any city building;
 - b. In any city vehicle; or
 - c. In any other place where prohibited by law or city ordinance.

- (3) Designated smoking areas outside and away from entrances to city buildings will be specified for employees by the Safety Coordinator.

Customer Relations

- (1) The city requires city employees to provide excellent customer service to the public and to their coworkers. The same quality service is provided to all customers regardless of age, race, nationality, socioeconomic and educational background, physical condition, etc. The city's success and long-range plans are built on this commitment to provide excellent customer service by:
 - a. Revising policies to value and support customer service efforts;
 - b. Creating staff customer service training;
 - c. Establishing plans for promoting customer communication; and
 - d. Developing ways of measuring customer satisfaction.
- (2) Further guidance on Customer Service Principles can be found in Appendix C.

Open Records Policy

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

Suggestion System

- (1) Employees are encouraged to submit suggestions that could allow the city to operate more efficiently and effectively.
- (2) Information or notification of safety concerns or imminent hazards to employees or to the public should be reported directly to the supervisor responsible for the location or the work process. Anonymity cannot be guaranteed.
- (3) Suggestions should be submitted to the department head, supervisor or the mayor. All suggestions will be forwarded to the mayor along with recommendations for approval or disapproval. If an employee wishes to remain anonymous, suggestions may be sent to the city attorney. Employees who submit suggestions that are approved may receive recognition at the city council meeting following implementation of the suggestion.

Section 4 – Employee Code of Ethics

Pursuant to the City's Ethics Ordinance, No. 94-14, is available online at <https://www.cityofsomerset.com/ordinances/>.

Definitions

- (1) Definitions applicable to this section:
 - a. "Business" means any. corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.
 - b. "Board of Ethics" means the City of Somerset Board of Ethics which is created and vested by this ordinance with the responsibility of enforcing the requirements of the city's code of ethics.
 - c. "City" refers to the City of Somerset, Kentucky.
 - d. "City agency" means any board, commission, authority, non-stock corporation, or other entity created, either individually or jointly, by this city.
 - e. "Employee" means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city. The term "employee" shall not include any contractor or subcontractor or any of their employees.
 - f. "Family member" means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, step-children, nieces or nephews, aunts or uncles.
 - g. "Immediate family member" means a spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.
 - h. "Officer" means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:
 1. The mayor;
 2. A legislative body member;
 3. The city clerk;
 4. The city administrator;
 5. Any person who occupies a nonelected office created under KRS 83A.080; or
 6. A member of the governing body of any city agency who has been appointed to the government body of the agency by the city.

Conflicts of Interest in General

- (1) Every officer and employee of the city and agencies thereof shall comply with the following standards of conduct:
 - a. No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
 - b. No officer or employee shall intentionally use or attempt to use their official position with the city to secure unwarranted privileges or advantages for themselves or others.
 - c. No officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city to obtain a financial benefit for any of the following:
 1. The officer or employee;
 2. A family member;
 3. An outside employer;
 4. Any business in which the officer, or employee, or any family member, has financial interest; or
 5. Any business with which the officer, or employee or any family member is negotiating or seeking prospective employment, or other business or professional relationship.
- (2) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (c)(4) and (c)(5) of this section, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.
- (3) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by their participation, vote, decision or other action taken within the scope of their public duties shall disclose the precise nature to the governing body of the city or the agency thereof served by the officer or employee. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

Conflicts of Interests in Contracts

- (1) Pursuant to KRS 61.252, no officer or employee of the city or any city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:
 - a. The prohibition in subsection (1) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by a city or city agency officer or employee before they became a candidate, was appointed to office, or was hired as an employee, is renewable after they become a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (1) of this section shall apply to the renewal of the contract.
 - b. The prohibition in subsection (1) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing the contract performance after the contract is awarded. If the officer or employee has any of the authorities as set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart c. below are satisfied.
 - c. The prohibition in subsection (1) of this section shall not apply in any case where the following requirements are satisfied:
 1. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.
 2. The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.
 3. A finding is made by the governing body of the city or city agency that the contract with the officer or the employee is in the best interests of the public and the city or city agency before the contract is executed.
 4. The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.
- (2) Any violation of this section may be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

Misuse of Confidential Information

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

to 61.884, or the exceptions within the Open Meetings Act, KRS 61.810, at the time of its use or disclosure.

- (2) 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 resources director prior to opening for determination of where said mail should be directed and how said mail should be opened.
- (3) Any questions about this policy and what is considered confidential information should be addressed to the human resources director or the city attorney.

Receipt of Gifts

No officer or employee of the city or any city agency, or a member of their immediate family shall directly or indirectly through any other person or business, solicit or accept any gift whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form under circumstances in which it could be reasonably inferred that the gift was intended to influence or could reasonably be expected to influence the officer or employee in the performance of their public duties.

Use of City Property, Equipment, Time and Personnel

- (1) No employee shall use city property, (which includes but is not limited to filing cabinets, paper, computers, photocopiers, printers, postage, shipping and office supplies) or work time for their private or financial gain, the private or financial gain of any other person, unless:
 - a. The use is specifically authorized by stated policy.
 - b. The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.
 - c. Any employee operating or responsible for the operation of a city vehicle or other equipment shall comply with the city's policy on the operation of vehicles and equipment.

Political Activity

- (1) The city is a nonpartisan organization that operates in a political environment. Every employee must make the maximum effort to minimize any appearance of political favoritism while sustaining a harmonious working relationship with federal, state, and local leaders and citizens.
- (2) No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office.
- (3) No employee shall be permitted to solicit funds or otherwise engage in any political campaign activity during working hours or while in a city uniform.
- (4) No employee shall use any supplies or equipment of the city for political purposes.

Reporting Code of Ethics Violations and Penalties

- (1) An employee who becomes aware of a violation of any policy in the Code of Ethics should report the violation promptly to any one of the following:
 - a. The Board of Ethics;
 - b. Their immediate supervisor or department head;
 - c. The city clerk;
 - d. The city attorney;
 - e. The mayor;
 - f. Any member of the city council; or
 - g. Any supervisor with whom the employee feels comfortable discussing the matter.
- (2) All reports of a violation of the Code of Ethics shall be reduced to writing by the reporting employee or by the person receiving the report. The employee may use the Ethics Complaint Form for this purpose. The report shall be signed by the complaining employee. All reports of violations will be kept confidential to the extent feasible and appropriate under the circumstances.
 - a. All reports shall be reviewed and investigated. The violation will be investigated by the Board of Ethics. The results of the investigation will be communicated to the complainant, the alleged policy violator, and the mayor/city council. Any employee found to have engaged in misconduct constituting a violation of this policy will be appropriately disciplined, up to and including dismissal.
 - b. As provided under the Whistleblower Protection for City Employees Policy in Section 4 of this Handbook, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. Any person found to have discriminated or retaliated against an employee who makes a complaint shall be subject to disciplinary action, up to and including dismissal.
 - c. The city recognizes that the question of whether a particular course of conduct constitutes a violation of the city's Code of Ethics may require a factual determination. The city also recognizes that false accusations have serious effects on innocent parties. If an investigation results in a finding that the complaining party made a false accusation with malice or with a reckless disregard for the truth, the complaining party will be subject to appropriate sanctions, including dismissal.
- (3) An employee may speak directly to any member of the Board of Ethics about a violation of the Code of Ethics if the employee has reported a violation to members of management without result.
- (4) Any report regarding an elected city officer shall be submitted to the city Board of Ethics, who shall determine the course of the investigation and the proper manner to address the complaint.

Whistleblower Protection for City Employees

- (1) The city strictly prohibits retaliation or discrimination against any employee who reports a violation of the policies contained in this Handbook, or a violation of any applicable federal, state, or local law or regulation to city supervisory staff, the Board of Ethics, law enforcement authorities, or other appropriate officials.
 - a. No city employee shall use or threaten to use their supervisory authority or influence to discourage, restrain, suppress, dissuade, deter, prevent, interfere with, or coerce an employee from reporting any violation of the policies contained in this Handbook to their supervisor or any other member of the city's supervisory staff.
 - b. No city employee shall retaliate or discriminate against an employee because they support, aid, or otherwise substantiate another employee who reports a violation of the policies contained in this Handbook to the Board of Ethics.
 - c. No city employee shall retaliate or discriminate against another employee because they report a violation of the policies contained in this Handbook to the Board of Ethics after informing members of city supervisory staff without satisfactory resolution.
 - d. The city strictly prohibits retaliation or discrimination against any employee who reports a violation of any applicable federal, state, or local law or regulation to city supervisory staff, the Board of Ethics, law enforcement authorities, or other appropriate officials.
 - e. The provisions of this policy in no way alter the at-will employment status of city employees. This policy does not create any contractual or other rights for employees, and the city may alter, amend, or remove any policy contained in this Handbook at any time.
- (2) Any employee who receives an official request from an outside agency for information related to the city shall promptly inform their immediate supervisor of the request. Any employee who receives a request from media for information related to the city shall forward the request to the human resources director and shall otherwise follow the Media Communications Policy in Section 3 of this Handbook.
- (3) Any city employee who makes a false report of a violation or discloses information related to a report of a violation of city policies or the law with reckless disregard for the truth shall be subject to disciplinary action, including the possibility of immediate dismissal.

Section 5 – Employee Financial Practices, Reporting and Reimbursement

Purpose of the Policies Contained in this Section

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

Employee Expense Reports and Reimbursement

- (1) Business expenses may be charged to the city on a credit card issued to the employee in accordance with Use of City Credit Cards Policy in Section 5 of this Handbook, or paid from the employee's private funds and reimbursed upon the submission of the documentation required under this policy.
- (2) An employee requesting reimbursement for business-related expenses made on behalf of the city shall complete the purchase requisition form and submit to the Purchasing Agent for processing. The employee shall submit expenses and supporting documentation in the following manner:
 - a. Expenses shall be submitted on at least a calendar-month basis. Expenses submitted for reimbursement are due to the Chief Financial Officer or their designee within 15 days from the end of the month in which the expense was incurred. Employees shall not include expenses from different calendar months on the same expense report.
 - b. Requests for reimbursement in expense reports shall be accompanied by a receipt and all supporting documentation, including itemized receipts. The employee shall provide the business purpose, the date, location, amount, and the persons being covered by the purchase on the receipt or in supporting documentation. Failure to provide a receipt and other applicable supporting documentation will result in denial of the reimbursement, unless the expense report is accompanied by an approved Missing Receipt Affidavit. Credit card statements will not be accepted as evidence of a receipt.
 - c. All expense reports must be approved and signed by the employee's supervisor or department head with the responsibility of budgeting and reviewing business expense information for the employee's department. The Chief Financial Officer or their designee, shall review all expense reports prior to reimbursement for the purpose of determining compliance with city policies.
 - d. The mayor and city council will be reimbursed for actual and necessary expenses for official city business travel and in the performance of their duties. These expenses include, but are not limited to lodging, meals, commercial transportation, and reasonable tips. Mayor and city council expense reports shall be submitted to the Chief Financial Officer or their designee.
- (3) An employee who submits a fraudulent receipt or falsifies their expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
- (4) The city may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

Use of City Credit Cards

- (1) The mayor or department head may authorize an employee to use the city's credit card to meet specified travel expense obligations. City credit cards are for use in making operational business purchases, purchases related to meetings and other legitimate business expenses as set forth in this policy.
 - a. Operational expenses are those expenses necessary for the running of the city. Examples include, but are not limited to, office supplies and equipment, other office-related expenses, computer supplies, and any other non-travel related expenses.
 - b. Meeting-related expenses include, but are not limited to, group meals, hotel meeting rooms, prepaid airfare, prepaid hotel accommodations, prepaid business car rental, prepaid conference and meeting registrations, prepaid expenses for meetings, and unanticipated event or travel needs.
 - c. These examples are not intended to limit credit card use for other legitimate business expenses.
- (2) Employees issued a city credit card for operational or meeting-related expenses will be subject to the following conditions:
 - a. Only legitimate business and operational-related purchases may be charged on a city credit card.
 - b. The city credit cards shall not be used for personal expenses of any kind. In the event that an expense is determined to be personal in nature, the expense must be reimbursed immediately. The city council, upon review, may require reimbursement of a personal expense outside of this time frame.
 - c. Receipts for all credit card purchases must be submitted to the Chief Financial Officer or their designee in a timely manner after returning from travel.
 - d. Itemized receipts of each transaction made using a city credit card must be submitted to the Chief Financial Officer or their designee promptly for approval. The receipts shall provide details on the business purpose, date, location, amount, and persons covered by the purchase and shall bear evidence of supervisor approval on their face. Credit card statements will not be accepted as evidence of a receipt.
- (3) The city will review the policy regarding credit card usage and credit card limits on an as-needed basis, but no less than every three years.

Employee Travel Expense Reimbursement

- (1) All city officers and employees shall receive prior approval from the mayor and/or their department head, based on the city budget, prior to any travel. Prior to any travel, an employee shall receive prior written approval through the submission of a Request for Travel Approval Form (COS-1). If the employee is attending a conference or training in conjunction with travel, the employee is required to submit a detailed program agenda for the conference or training.

- (2) The Travel Request Form shall be reviewed and approved by the employee's department head and the Mayor, Chief of Staff, or the Chief Financial Officer.
- (3) Registration for conferences and meetings shall be performed by the Department Head or the employee attending the conference or meeting after receiving the signed Request for Travel Approval Form (COS-1). Employees should make an effort to provide this information in a timely manner so that the lowest possible registration fees may be obtained.
- (4) Reservations for overnight lodging shall be made by the Department Head or employee attending the conference or meeting after receiving the signed Request for Travel Approval Form (COS-1) unless otherwise approved by the mayor.
 - a. Reservations will be made in such a manner to secure the best available rate for safe, clean, and secure accommodations as close to the meeting location as possible. Every attempt should be made for stay in the hotel hosting the conference or meeting and to pay the conference room rate.
 - b. The employee must be at least 40 miles from their official work station or private residence to be reimbursed for overnight accommodations.
 - c. In-room movies, room service, mini-bar, use of hotel gym, spa or massage services, sauna facilities, or other additions to room bills are not reimbursable. Only usual and customary expenses are eligible for reimbursement.
 - d. A copy of the hotel folio or receipt showing proof of payment shall be submitted by the employee for expense reimbursement.
- (5) Approval for car rental must be obtained in advance of travel. Car rental reservations will be made by the Department Head or employee attending the conference or meeting after receiving the signed Request for Travel Approval Form (COS-1) unless otherwise approved by the mayor. The following guidelines shall apply when rental reservations are made:
 - a. Standard, full-size, mid-size, compact or economy models shall be rented unless more than two persons are traveling together. Upgrades for other models are permissible if transporting materials, more than three individuals are traveling together or other situations where cargo space is a factor. Unauthorized upgrades shall not be reimbursed.
 - b. The refueling option should be taken if extensive driving is planned. If the refueling option is declined, the car must be returned with a full tank of gas.
 - c. Rental vehicles should be returned to the original rental location in order to avoid costly drop-off charges unless there are extraordinary circumstances or returning the rental vehicle to a different location would provide an overall cost savings to the city in comparison to other travel alternatives.
 - d. Additional collision insurance offered by the rental company shall be purchased with the vehicle rental.
 - e. The Vehicle Accident Reporting Requirements Policy outlined in Section 3 of this Handbook shall be followed in the case of an accident involving a vehicle rented by the city.

- (6) City vehicles should be used for travel when available and feasible. Mileage payments shall not be paid if city owned vehicles are used.
- a. 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 by itemized receipt.
 - b. When an employee traveling on behalf of the city must use their personal vehicle, the employee will be reimbursed for mileage. An employee will be reimbursed at the mileage rate allowed by the Commonwealth of Kentucky rate for business expense deductions under the following guidelines:
 1. An employee shall not be reimbursed for transportation or commuting between the employee's home and their permanent workplace.
 2. Mileage shall not be reimbursed for attendance of a city function or event held outside of the workplace unless the employee has been assigned to work at the event.
 3. When an employee does not report to their permanent workplace or makes business trips before or after reporting to their permanent workplace, the allowable mileage is:
 - (a) From the office to the first stop;
 - (b) All mileage between points visited on city business during the day; and
 - (c) The lesser of the mileage from the last stop to the employee's residence or from the last stop to the city office.
 4. To receive mileage reimbursement, the employee shall state on their Request for Travel Approval Form (COS-1) the total number of miles to be traveled on city business as determined by Google maps or Maps on US. The employee shall complete the Travel Expense Voucher Form (COS-2) that includes the starting points and ending destination for each trip along with a description of the purpose of the travel. Any travel of a personal nature while on city business shall be deducted from the total miles traveled.
 5. Parking violations and traffic or other moving motor violations are not reimbursable expenses.
 6. If the employee is involved in an auto accident while on city business driving their own privately owned vehicle, they shall follow the Vehicle Accident Reporting Requirements Policy outlined in Section 3 of this Handbook.
- (7) Except for reimbursable expenses related to official city business as provided in Section 5 of this Handbook, employees will only be provided nontaxable meal reimbursement for required overnight travel. An employee may also elect to be reimbursed the allowable per diem for any travel outside of Pulaski County, Kentucky that does not require an overnight stay. The city will include the reimbursement as additional income to the employee and applicable taxes will be

withheld from the employee's gross pay under IRS guidelines. Meal Per Diem Rates are outlined below:

- a. Meal periods and allotted amounts for in-state travel are as follows:
 1. Breakfast (\$11.00) per diem if the employee's travel is between 6:30 a.m. and 9:00 a.m.
 2. Lunch (\$15.00) per diem if the employee's travel is between 11:00 a.m. and 2:00 p.m.
 3. Dinner (\$26.00) per diem if the employee's travel is between 5:00 p.m. and 9:00 p.m.
- b. Meal periods and allotted amounts for out-of-state travel are as follows:
 4. Breakfast (\$14.00) per diem if the employee's travel is between 6:30 a.m. and 9:00 a.m.
 5. Lunch (\$18.00) per diem if the employee's travel is between 11:00 a.m. and 2:00 p.m.
 6. Dinner (\$30.00) per diem if the employee's travel is between 5:00 p.m. and 9:00 p.m.
- c. The city will not reimburse for any meal that is included in a registration fee for a conference or training, when the employee's meal is covered under a group meal receipt submitted under paragraph e. of this Section, or when a receipt has been submitted for reimbursement as an expense related to official city business as provided in Section 5 of this Handbook. Functions where finger foods or hors d'oeuvres are served in conjunction with the conference or training, and continental breakfasts provided by hotels or conference sponsors do not constitute meals and the employee is entitled to claim the reimbursement for that meal.
- d. If the employee has attended a conference or training in conjunction with the travel, the employee is required to submit a detailed program agenda for meal reimbursement.
- e. Employees may submit and receive reimbursement for a group meal receipt for more than one employee if the dining establishment is unable or unwilling to provide individual checks, provided that the total cost of the meal does not exceed the total allowable reimbursement for all of the participating employees. An employee submitting a group meal receipt will follow the procedures required in Section 5 for reimbursement on an Expense Report or in the Use of a City Credit Card Policy in Section 5 when using a city credit card for documentation of the expense and will additionally state on the receipt that the receipt is for a group meal and the name of each participating employee. Employees covered by a group meal receipt will not be eligible for meal reimbursement for that meal.

Reimbursable Expenses Related to Official City Business

- (1) City officers or employees receiving prior approval from the mayor will be reimbursed for reasonable business expenses incurred while conducting official city business. Examples of

official city business include, but are not limited to, situations where individuals present are representing the city or if the individual's attendance has been requested by the city. The individual seeking reimbursement shall be responsible for using good judgment to ensure the expenses incurred are budgetarily sound and are compatible with the goodwill of the city.

- (2) The mayor shall have the authority to approve meal expenses for a new employee as part of the new employee's orientation and other discretionary employee meal functions as appropriate to recognize extraordinary work effort and as set out in the city budget.
- (3) Receipts detailing the business purpose, date, location, amount and persons present must be submitted with the expense report as provided under the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook or, if a city credit card is used, as provided under the Use of City Credit Cards Policy in Section 5 of this Handbook. This information shall be written on the front or back of the receipt and on the expense report.
- (4) In the event the receipt is for reimbursement of a meal, an itemized receipt shall be submitted and the tip shall not exceed 20% of the cost.

Alcohol Reimbursement Policy

No reimbursement will be made for alcoholic beverages.

Purchasing and Procurement

- (1) When an employee's position requires spending city funds or incurring any reimbursable personal expenses, that individual must use good judgment on the city's behalf to ensure that good value is received for each expenditure. City funds and all assets are for city purposes only and are not for personal benefit.
- (2) Employees authorized to make purchases on behalf of the city must be approved by the mayor and within the limits of the city budget as approved by the city council.

Disposal of City Property

- (1) Before selling or otherwise disposing of any real or personal property, the city shall make a written determination setting forth and fully describing:
 - a. The real or personal property;
 - b. Its intended use at the time of acquisition;
 - c. The reasons why it is in the public interest to dispose of it; and
 - d. The method of disposition to be used.
- (2) Real or personal property may be:
 - a. Transferred, with or without compensation, to another governmental agency;
 - b. Transferred, with or without compensation, for economic development purposes, which shall include but not be limited to real property transfers for the elimination of blight;

- c. Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
 - d. Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b);
 - e. Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4);
 - f. Traded towards the purchase of the same or similar type of property, if the trade-in value received equals or exceeds the actual fair market value of the property as determined using an independent appraisal as defined in subsection (1) of this section;
 - g. Sold for its appraised fair market value or a greater amount if the property is valued at five thousand dollars (\$5,000) or less in an independent appraisal. Property sold under this paragraph may not be sold to a city officer or employee or family member of a city officer or employee as defined in the city's ethics ordinance adopted under KRS 65.003;
 - h. Sold for scrap or disposed of as garbage in a manner consistent with the public interest if the property has no value, or is of nominal value as determined by an independent appraisal; or
 - i. Sold by the Finance and Administration Cabinet under an agreement with the city.
- (3) If a city receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the city. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.
 - (4) Any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the city.

Contract Review and Execution

- (1) All written contracts or contract renewals shall be reviewed by the city attorney or their designee before execution.
- (2) Approval from mayor in accordance with the city budget and specifications as set by the city council is required prior to requesting the city attorney to draft a contract on behalf of the city.
- (3) All contracts made on behalf of the city shall be signed by the mayor.

Section 6 – Classification and Compensation

Employment Types and Classification

- (1) As used in this Handbook, the terms below shall have the following meanings:
 - a. “Full-time employee” is an employee who is normally scheduled a minimum of 40 hours each workweek on a regularly scheduled basis.
 - b. “Part-time employee” is an employee who is normally scheduled less than 40 hours in a single workweek, averages less than 100 hours of work in a calendar month for retirement purposes, on a regularly scheduled basis.
 - c. “Temporary employee” is an employee who is hired and works for a definite period of time. Generally, a temporary employee will be employed for a period of one year or less.
 - d. “Seasonal employee” is an employee hired in a position that is temporary in duration, and whose position coincides with a particular season or seasons of the year and which may recur regularly from year to year. The period of time shall not exceed nine months.
- (2) Employees occupying full-time positions will be entitled to benefits provided by the city. All other categories of employment shall not be entitled to benefits except those required by state or federal law unless recommended by the mayor and approved by the city council.
- (3) The city designates all employment positions as either “exempt” or “nonexempt” based on applicable federal and state laws and regulations. The classifications are for purposes of determining whether overtime compensation is due to the employee for hours worked in excess of 40 in a single workweek. Classifications of positions are reviewed by the mayor in consultation with the city attorney at the time of position creation or modification and on an annual basis to ensure legal compliance. As used in this Handbook, the terms below shall be accorded the following meanings unless specifically stated otherwise:
 - a. “Nonexempt employee” is an employee in a position whose duties and responsibilities require overtime compensation for any time worked in excess of 40 hours in any workweek pursuant to the Fair Labor Standards Act and Kentucky wage and hour laws. The additional overtime compensation for nonexempt employees is calculated under the city’s Overtime Compensation Policy established in Section 6 of this Handbook.
 - b. “Exempt employee” is a salaried employee in a position whose duties and responsibilities render the employee exempt from the overtime requirements of the Fair Labor Standards Act and Kentucky wage and hour laws. An exempt employee is not eligible for additional compensation for working in excess of 40 hours in a workweek under the city’s Overtime Compensation Policy established in Section 6 of this Handbook.

Fiscal Year

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

Official Workweek

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

Overtime

- (1) “Overtime” means any time worked by a nonexempt employee in excess of 40 hours in any single workweek. In addition, if a nonexempt employee works seven days in any one workweek and works over 40 hours in those seven days, all hours worked on the seventh are at time-and-a-half. For purposes of this section, workweek is defined in this Handbook.
- (2) Preapproved leave, excluding sick time, will be included for purposes of determining overtime. Please note, holiday hours taken for pay instead of leave would not be considered for overtime.
- (3) The city is required under the Fair Labor Standards Act and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than 40 hours in a single workweek. Overtime wages shall be calculated at a rate of one-and-one-half times the employee’s regular hourly rate of pay.
- (4) A nonexempt employee must be authorized orally or in writing by the employee’s department head or supervisor prior to the employee’s performance of any work that would result in overtime. The employee shall verify that their time record accurately reflects any overtime worked as required in Section 6 of this Handbook. Any employee who works overtime without prior authorization or fails to properly report overtime work shall be subject to disciplinary action.
- (5) The city and the employee’s department head or supervisor may require any nonexempt employee to take time off during any workweek that the employee has worked or will work more than 40 hours in order to minimize overtime costs.
- (6) 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.
- (7) Exempt employees are not eligible for overtime compensation.

Compensatory Time

- (1) Pursuant to KRS 337.285, the city gives nonexempt city employees the option of receiving compensatory time off (“comp time”) instead of overtime pay for overtime hours worked.
- (2) All comp time off must be given at the rate of one-and-one-half hours for each hour of overtime worked (hours worked over 40 hours within the workweek as defined by the city in Section 6 of this Handbook).

- (3) The maximum number of compensatory hours that may be accrued is 480 for city employees engaged in a public safety, emergency response or seasonal activity. For employees engaged in all other work, 240 hours are allowed. Any hours over these maximums will be paid to the employee in overtime compensation at the regular rate earned by the employee at the time the employee receives the payment.
- (4) To request the accrual of compensatory time, employees must provide a written request and must be approved by the department head and/or supervisor in advance of any accrual on the Agreement to Accept Compensatory Time Off in Lieu of Overtime Pay.
- (5) Requests for time off using accrued comp time must be done on a prior approval basis. The request must have the approval of the employee's department head or supervisor and will be scheduled to meet the needs of the employees, the city and the public.
- (6) Upon termination of employment, all unused accrued compensatory time will be paid at a rate of compensation not less than the average rate received by the employee during the last three years or the final regular rate received by the employee, whichever is higher.
- (7) 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.

Work Performed by Nonexempt Employees Outside of Normal Working Hours

- (1) A nonexempt employee shall not perform any work outside of their normal work hours unless the work has been approved in advance by their department head or supervisor. In addition to all time the employee is required to be on the work premises or at an assigned work location, "work" also means any effort, whether physical or mental, exerted by the employee for the benefit of the city including, but not limited to, travel time to and from an off-site work location and any time spent by the employee using the phone, email, text messaging, or other electronic communications for the purposes of the city, regardless of the time of day or the location where such effort is expended.
- (2) Under both federal and state law, a nonexempt employee shall be compensated for any and all work that they perform for the city. Any work performed, including work performed outside of normal working hours, by a nonexempt employee in a single workweek that results in overtime or the accrual of compensatory time shall be governed by the Compensatory Time Policy and the Overtime Policy within this Handbook. All nonexempt employees shall keep track of any time spent working outside of their normal working hours and report that time in accordance with this Handbook.
- (3) A nonexempt employee that has the service of an electronic device paid for by the city the Mobile Telephones and Communication Devices Policy within this Handbook with the explicit expectation for it to be used outside of normal working hours on an ongoing basis shall communicate each workweek with their department head and/or supervisor if the inclusion of such

time will result or appears it could result in overtime, so that appropriate action may be taken to avoid overtime, if possible.

- (4) No employee shall be required, encouraged, or expected to work “off the clock,” which is defined as not tracking or reporting time worked. If any employee has been required to work “off the clock,” they shall report it immediately to the human resources director. Any supervisor that has required or is attempting to require “off the clock” work shall be subject to disciplinary action.

On-Call/Call-Out Employees

- (1) As a condition of employment, certain employment positions must report within a reasonable period if requested during a period of emergency.
- (2) If an employee is called to report to work either after normal working hours or before normal working hours, the employee shall be paid at the regular rate of pay for actual time worked or a minimum of two hours.
- (3) Employees who are on call must adhere to all city policies, including Vehicle Use Policy and the Drug- and Alcohol-Free Workplace Policy.

Base Salary and Salary Adjustment

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

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

Payroll Deductions

- (1) The city will make all legally required deductions from an employee’s gross pay in accordance with applicable legal requirements, including:
 - a. Federal and state income taxes;
 - b. Social Security (FICA) taxes; and
 - c. Deductions required by wage garnishment or child support orders.

- (2) The city may also deduct from an employee's pay their portion of insurance premiums and other voluntary contributions.
- (3) Employees may request voluntary deductions be made from their gross pay, such as contributions to optional retirement plans. The employee shall obtain the appropriate form to request voluntary deductions from the human resources director.
- (4) When the city must rely on information provided by the employee in order to make any legally required deduction, it is the sole responsibility of the employee to provide accurate and timely information to the city.
- (5) In accordance with the Fair Labor Standards Act, the city prohibits improper deductions from the pay of exempt employees and will reimburse employees for any improper deduction. When an exempt employee has exhausted all paid leave, the city may deduct for absences of one or more full days for leave related to sickness, disability, unpaid disciplinary suspensions, or for other personal reasons. In addition, the city may make either full- or partial-day deductions from the pay of an exempt employee during the first or the last week of employment when only part of the week is worked by the employee, or for any unpaid leave taken in accordance with a legitimate absence under FMLA. Any exempt employee who believes that an improper pay deduction has been made shall immediately file a written complaint with the human resources director setting forth the dates, amounts, reasons, and any other information for the pay deduction. The human resources director along with the mayor shall take immediate action to investigate the issue, and if found to be an improper deduction, shall cause the employee to be compensated for the improper deduction within two pay periods from the date the written complaint was filed.
- (6) No other deductions will be made.
- (7) All deductions from an employee's pay will be listed on their pay stub. If you have questions about any deductions from your pay or if you believe improper deductions have been made from your pay, you must report your concern to the human resources director immediately.

Direct Deposit

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

Time Records

- (1) Time records will be kept on all nonexempt employees to facilitate the city's compliance with overtime pay requirements. Nonexempt employees shall submit time records through the use of a 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 department head or supervisor.
- (2) All exempt or salaried employees, including supervisors and department heads, are required to use a time sheet which should be signed/approved by their 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.

- (3) Each employee is required to notify the human resources director 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.
- (4) Except for the department head or supervisor of the employee, all employees are forbidden from entering any information on another employee's time record. An employee shall not falsify information on their own time record. Employees found to have violated this policy will be subject to discipline, up to and including discharge. Any errors discovered in an employee's time record shall be reported immediately to the employee's department head or supervisor, who will determine the manner and method of correcting legitimate errors.

Unemployment Compensation Insurance

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

Section 7 – Health, Retirement, and Other Benefits

Benefits Eligibility

Employees should contact the human resources director to determine if they are eligible for employee benefits based on their employment status and classification.

Health Insurance

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

Employee Assistance Program

- (1) The city will provide confidential and voluntary assistance through its employee assistance program (EAP) to all employees and their family members who may be faced with dynamic challenges of financial concerns, legal issues, alcohol or drug problems, relationship problems, illness of a family member, emotional worries, child care problems, etc. For the welfare of the employees as well as effective business operations, the city encourages its employees to take advantage of this valuable benefit of employment with the city.
- (2) Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends. For information on the Employee Assistance Program contact your supervisor or the human resources director or go to anthemeap.com and enter your company code, which is KLC or you may call 800-865-1044.
- (3) EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation. Where an employee may be in need of information, a referral or suggestion may be given over the telephone. There is no charge for employees or their families to use the EAP.

- (4) The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage and their ability to pay. Any time needed for illness-related appointments made by the EAP requires use of sick, vacation or personal time on the same basis that it is granted for other health issues.
- (5) When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems during the workday, the supervisor should counsel the employee in consultation with the human resources director or designee with an end toward resolving the situation. If the employee appears to be unwilling or unable to correct the situation, the employee may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where continued employment with the city may be contingent upon the employee calling the EAP for assistance.
- (6) Participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following the city policies and procedures or meeting required standards for satisfactory job performance except where specific accommodations are required by law.
- (7) All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether or not the employee has contacted the EAP, and if ongoing treatment is necessary, that the employee is following through on the treatment.

Workers' Compensation

- (1) The city pays the entire amount of the workers' compensation insurance premium that provides benefits to employees who experience injury or illness in connection with employment. Eligibility begins on the first day of employment. Workers' compensation benefit entitlements are governed by KRS Chapter 342. If employees have questions concerning their rights or benefit amounts, they should contact the human resources director.
- (2) Unless extenuating circumstances make it impossible or impractical, an employee who is injured or becomes ill in connection with employment, regardless of the severity of the injury, shall immediately notify their supervisor and the human resources director, who will see to necessary medical attention and assist in the completion of any required reports. In any case of serious injury, employees are required to receive prompt medical attention by a physician authorized under the city's designated workers' compensation plan.
- (3) Except in the case of serious illness or injury, an employee must also call the "Company Nurse" on the Injury Hotline. More information on this program can be found in Section 3, Reporting Work-Related Accidents.
- (4) 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.
- (5) 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.

- (4) For periods of three or more days see the Family Medical Leave Policy within Section 8 of this policy.
- (5) If the city has reasonable suspicion that the employee's use of drug or alcohol may have been a factor in an injury while the employee is working for the city, the employee will be subject to the post-accident drug testing policy found within the city's Drug- and Alcohol-Free Workplace Policy in Section 3 of this Handbook.

Return-to-Work Program

- (1) It is the policy of the city, when possible, to modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury. Note: This policy should not be construed as recognition that an employee has a disability as defined by the Americans with Disabilities Act (ADA) of 1990 and its Amendments.
- (2) This policy applies to all city employees.
- (3) Definitions:
 - a. Return-to-Work (RTW) (modified-duty) position is a temporary position to which an employee is assigned when they are unable to return to their regular position following an on-the-job injury or illness. The return-to-work position temporarily addresses the restrictions placed on an individual by an evaluating physician.
 - b. Employment-related injury is an injury or occupational disease, which arises out of the course and scope of employment and is a compensable injury or illness, as defined under the Kentucky Workers' Compensation Act.
 - c. Physician in this policy means a doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the Kentucky Workers' Compensation Act.
- (4) It is the responsibility of the injured employee to inform the evaluating physician of the employer's early Return-to-Work Program; adhere to the assigned restrictions/limitations for the specified period of time; maintain a positive attitude toward working within physical restrictions/limitations; and continue to seek and follow appropriate medical care throughout the recovery period.
- (5) It is the responsibility of the employer to review and evaluate work alternatives for a temporary specified period of time as established by the evaluating physician; to evaluate job description and modify requirements within the position to accommodate the employee to the assigned restrictions; to monitor the injured employee to ensure work performed is within the assigned restrictions; and to continue to review and adjust job assignments as medical condition improves and restrictions change until the final goal of either release to full duty or maximum medical improvement is achieved.
- (6) It is the responsibility of the evaluating physician to assign specific temporary restrictions for a specified period of time; to review and adjust assigned restrictions at each evaluation; and to

maintain beneficial and appropriate medical care and treatment with the goal of moving injured worker to full duty release or maximum medical improvement.

- (7) It is the responsibility of the claims adjuster to obtain specific temporary restrictions/limitations for a specified period of time from the evaluating physician after each evaluation; communicate verbal and written restrictions to the designated employer contact; and work effectively with the injured employee, employer and physician to reach the goal of returning employee to gainful employment.
- (8) To be eligible for participation in the Return-to-Work Program, an employee must provide a written statement from the designated treating physician that they are:
 - a. Temporarily unable to perform their essential duties, following an employment-related injury or illness; and
 - b. Capable of carrying out work of a lighter or modified nature from their regular duties and is expected to return to their regular duties within 90 calendar days.
- (9) Once notified of an on-the-job injury or illness, and the injury has been reported to the employer's workers' compensation carrier, the employer will inform the employee in writing of the Return-to-Work Program.
- (10) The employee must be seen and evaluated by a physician to determine if the employee is able to return to work, and if so, with or without restrictions.
- (11) At the time of the evaluation, the employee must inform the physician of the Return-to-Work Program and provide them with a copy of the employee's regular job description that identifies the essential functions of the job and its requirements.
- (12) When the employee is able to return to work with restrictions, the employee's physician must complete a report, indicating the specific restrictions and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the treating physician.
- (13) Taking into consideration the information provided by the physician, the employee's department head, in consultation with the mayor and human resources director, will determine if a temporary modified-duty assignment can be offered. It should be understood that there may be instances in which the city will not be able to offer a modified-duty assignment.
- (14) If the employee's regular department is unable to meet the employee's need for the modified duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a modified-duty position in a different department which has been able to meet the employee's need for modified duty.
- (15) The employer should use one of the two following compensation arrangements:
 - a. There will be no adjustment in the employee's normal compensation. The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department.

- b. In most cases, there will not be an adjustment in the compensation of the employee that is placed in a modified-duty position. However, the employee placed in a modified-duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. If that salary is less than their normal salary, then they will be paid at least what the maximum weekly benefit would be for their regular salary as defined by the Kentucky Workers' Compensation Act.
- (16) Once the employee has been approved to participate in the Return-to-Work Program, the department must provide a return-to-work letter. This letter will include:
- a. The position offered;
 - b. The location and duties of the position offered;
 - c. The wages and schedule of the position offered;
 - d. The duration of the temporary work assignment; and
 - e. A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.
- (17) An employee may choose to accept or refuse the return-to-work offer. Rejection of the job could result in suspension of income benefits under workers' compensation insurance.
- (18) Employees do not waive any rights to workers' compensation benefits by participating in the Return-to-Work Program. Employees participating in the Return-to-Work Program will continue to be covered by the Workers' Compensation Act for reasonable and necessary medical expenses and disability benefits related to the injury or illness.
- (19) The maximum length of a return-to-work with modified-duty offer will be 90 calendar days. The duration of approved time will be based upon the information provided by the employee's designated treating physician.
- (20) An employee who is unable to return to their regularly assigned duties at the end of the modified-duty assignment and remains with temporary restrictions which will prevent them from returning to their preinjury positions, will begin to receive temporary total disability benefits through the workers' compensation program. If the restrictions are permanent and will not allow the employee to return to their preinjury position, then they can request a leave of absence or the employer can address termination.
- (21) Employees may be required to attend an independent medical exam (IME) to clarify the continued restrictions or until they reach maximum medical improvement (MMI) and permanent restrictions are assigned and determined by the treating physician.
- (22) Provided the employee has exhausted any entitlement under the Family and Medical Leave Act (FMLA), the department has the option to approve or deny the leave of absence request. If leave without pay is denied, pursuant to the city's Unpaid Leave Policy, employment with the city will be terminated.
- (23) If the employee believes that the condition is permanent, progressive, or chronic, they may pursue the Americans with Disabilities Act Accommodation Policy, in Section 1 of this Handbook, to determine if they are a qualified individual with a disability.

Retirement Plan and Social Security

- (1) Employees who work in a regular full-time position must be enrolled in the Kentucky Retirement Systems. City employees are covered under the County Employees Retirement System (CERS) portion of the plan. Regular part-time employees must also be covered if they average 100 or more hours of work per month over a calendar or fiscal year, including employees who work a total of more than 100 hours per month in two or more positions with employers under the same retirement system.
- (2) The retirement plan is a qualified public defined benefit plan and was established under Section 401a of the Internal Revenue Code (IRC). A defined benefit plan pays benefits based upon a formula, rather than on an account balance. The formula used to compute CERS benefits provides participating members with a guaranteed lifetime payment at retirement based on beginning participation date, the number of years of service, your average salary and a multiplying factor.
- (3) Employees and the city contribute to the plan. The percentage of contribution may change annually and is based on hazardous and nonhazardous positions. The contribution amount is set by the Commonwealth of Kentucky. For more information about the Kentucky Retirement Systems contact the human resources director or the retirement systems via their website, <https://kyret.ky.gov> or by phone at 800-928-4646.
- (4) Pursuant to KRS 61.592(1)(a), “Hazardous Position” for participating KERS employees, as well as CERS employees who began participating before September 1, 2008, means:

Any position whose principal duties involve active law enforcement, including the positions of probation and parole officer and Commonwealth detective, active fire suppression or prevention, or other positions with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning; **and** positions in the Department of Corrections in state correctional institutions and the Kentucky Correctional Psychiatric Center with duties that regularly and routinely require face-to-face contact with inmates.
- (5) Pursuant to KRS 61.592(1)(b) a “Hazardous Position” for a participating employee who began participating in CERS, as well as KERS, on or after September 1, 2008, means:

Police officers and firefighters as defined in KRS 61.315(1); paramedics; correctional officers with duties that routinely and regularly require face-to-face contact with inmates; and emergency medical technicians if the employee’s duties require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning, and the employee’s duties are not primarily clerical or administrative.
- (6) The city participates in the federal social security program and will contribute a percentage of salary, to the extent required by law, to the Social Security Administration for each employee.

Longevity Awards

- (1) In order to recognize the achievements and loyalty of its employees, it is the policy of the city to give length of service awards to its employees.

- (2) Length of service awards may be given to full-time employees at a rate of .25 per hour in additional wages at the beginning of the fifth year, and every five years thereafter, provided that the awards are included in the city budget.
- (3) Service as a part-time employee is not considered in determining eligibility for these service awards.

Employee Education Reimbursement

- (1) Subject to the constraints of the annual budget, the city will endeavor to make individualized opportunities available to its employees for further development of specific skills and expertise deemed of mutual benefit to the employee and the city. The continuing education assistance provided under this policy is intended to support the pursuit of a formal degree and to supplement employee development provided through seminars, workshops, conferences, and similar activities that are paid for by the city under the Professional Memberships, Training, Licensing and Certification Policy within this section.
- (2) All education and training courses for which reimbursement is requested must relate directly to the employee's current job functions and responsibilities, or to job functions and responsibilities within the city that the employee, in the view of management, will likely have the opportunity to undertake in the foreseeable future.
- (3) 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:
 - a. Gain permission from a department head or direct supervisor and/or the mayor for a specific course or field of study;
 - b. Successfully complete the course, with a grade not less than a "C"; and
 - c. Submit an expense report with the costs of the class and any applicable materials.
- (4) Further the program requires the employee to agree that should the employee cease employment with the city, voluntarily or involuntarily, within one year after completion of the program or payment of any expenses related to the course or program, the employee will repay the city for any payments provided by the city.
- (5) 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.
- (6) Approval in one fiscal year does not guarantee that an employee will be approved again in any subsequent year nor shall approval for or successful completion of an educational activity under this policy be interpreted or relied upon by the employee as any type of promise or guarantee regarding compensation or advancement.

Professional Memberships, Training, Licensing and Certification

- (1) Certain positions of employment with the city require the possession of professional memberships, licensure, examinations and certification. In general, the city will cover all costs of memberships, training, examinations or renewal of licenses and certifications that directly relate to the employee's current position with the city.
- (2) Employees shall notify their department head of any memberships, training, certifications and licenses that may be covered under this policy by April 1 so that appropriate steps can be taken to include these costs in the annual departmental budget. An employee shall not expect the city to pay or reimburse the employee for the cost of any membership, training, examination, license or certification unless it has been approved in advance by the department head and the mayor and included in the city budget.
- (3) An employee's department head shall determine the relevancy of the membership, training, examination, license or certification as it relates to the employee's current job functions or job functions that the employee is expected to undertake in the foreseeable future.

Section 8 – Paid and Unpaid Leaves

Holidays

- (1) All full-time city employees shall receive paid leave for the following holidays:
 - a. New Year's Day
 - b. Martin Luther King Day
 - c. Good Friday (1/2 day)
 - d. Memorial Day
 - e. Independence Day
 - f. Labor Day
 - g. 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.)
 - h. Thanksgiving Day
 - i. Day after Thanksgiving
 - j. Christmas Eve (1/2 day)
 - k. Christmas Day
 - l. New Year's Eve (1/2 day)
- (2) 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.
- (3) If holidays are worked, employees will be paid an extra day's wages or can take another day off within 30 days before or 30 days after the holiday is observed by the city with their department head or supervisor's approval. If not taken in this time period, the holiday will be paid as an extra day's wages. Holiday hours taken for pay instead of leave would not be considered for overtime.
- (4) In the event an employee's day off falls on a holiday, the employee will be given a substitute day to be used within 30 days before or 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 30 days before and thirty 30 days after the holiday.
- (5) Fire, EMS and Police Department employees will receive hours for all holidays on January 1. Holiday hours not used by December 31 will not carryover to the next calendar year and they will not be paid out to the employee. The Fire, EMS and Police Departments will be allowed their regular shift hours. On partial day holidays, all departments, including Fire, EMS, and Police Departments, will receive the number of hours as determined by each department's policy, approved by the Mayor.
- (6) 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.

- (7) 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 resources director 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.
- (8) The city 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.

Vacation Leave

- (1) All full-time employees shall receive paid vacation leave. Part-time employees, temporary employees, and seasonal shall not be eligible for paid vacation leave. Vacation leave shall be granted to an employee each year on the following basis:
 - a. A full-time employee shall receive 40 hours per year, or 3.33 hours per month, from the employee's one year anniversary with the city through the beginning of the second year of employment, unless otherwise approved by the mayor.
 - b. A full-time employee shall receive 80 hours per year, or 6.67 hours per month, for the second through tenth year of employment.
 - c. A full-time employee shall receive 120 hours per year, or 10 hours per month, for the eleventh year of employment through the 15th year of employment.
 - d. A full-time employee shall receive 160 hours per year, or 13.33 hours per month, for the 16th year of employment and each year of employment thereafter.
 - e. 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.
- (2) On an employee's anniversary date, the employee's vacation leave account will be credited with the full amount of the annual vacation leave due the employee for the ensuing year. Each pay period, the employee's vacation leave account will be debited for the amount of vacation leave actually used by the employee during the preceding period.
- (3) An employee shall receive advance approval from their department head or supervisor prior to the use of any vacation leave time. Requests for use of vacation leave time should be made as soon as possible to ensure minimum disruption to the department's and the organization's work schedule and workflow.
- (4) All vacation leave must be taken in intervals of 60 minutes only. All calculations will be performed by the Human Resources Office.

- (5) 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 director.
- (6) Although no vacation leave will be advanced to an employee, when given advance notice, the city will consider requests for additional time off without pay for vacation purposes. If you have such a request, discuss with your department head, supervisor and/or the Mayor to see if a solution can be reached.
- (7) Vacation leave must be taken within 12 months of the date earned. The city will not carryover or pay out any unused vacation time from one year to the next, with the exception of payment for any vested but unused vacation leave accrued for the current year of service at the time of termination of employment or retirement with the city. The employee shall be compensated at the regular hourly rate earned by the employee at the time of the separation. The applicable hourly rate for both exempt and nonexempt employees shall be calculated as provided in Section 6 of this Handbook.

Personal Leave Time

- (1) All full-time employees that have been employed for 12 consecutive months, shall receive one paid personal leave day, in an amount based on the hours the employee typically works per shift. This leave which may be used by the employee for any purpose.
- (2) An employee shall not accrue personal leave. All personal leave time shall expire at the end of the fiscal year if not used.
- (3) Personal leave must be taken in the full amount increment.
- (4) An employee shall receive advance approval from their department head or supervisor prior to the use of any personal leave time. Requests for use of personal leave time should be made as soon as possible to ensure minimum disruption to the department's and the organization's work schedule and workflow.
- (5) An employee shall not receive compensation for any unused personal leave time upon separation from employment.

Sick Leave

- (1) All full-time employees shall receive paid sick leave each calendar year in the amount of eight hours per month (96 hours per year). Part-time employees, temporary employees, and interns shall not be eligible for paid sick leave.
- (2) Sick leave time begins to accrue on the first day of employment. Employees hired by the 15th of the month will receive 8 hours of sick and employees hired after the 15th of the month will receive 8 hours beginning the first day of the following month.
- (3) Each pay period, the employee's sick leave account will be debited for the amount of sick leave actually used by the employee during the preceding period.

- (4) An employee may use sick leave for any one of the following reasons:
 - a. To avoid jeopardizing the health of other employees; or
 - b. Illness, disability, medical condition, or a medical or dental appointment of the employee or a member of the employee's immediate family necessitating the employee's presence. "Immediate family" shall mean the employee's spouse, child, mother, father, brother, sister, grandchild or other family members as approved by the mayor in special circumstances.
- (5) An employee using sick leave time shall notify their department head or supervisor as soon as possible, but before the start of the work shift, of the need to use sick leave. For periods of leave longer than one full day, the employee shall notify their supervisor of each separate day that leave will be used unless prior arrangements have been made. For periods of three or more days see the Family Medical Leave Policy within this section.
- (6) If you must leave the office before closing time because of illness or injury, inform your supervisor.
- (7) If you foresee the need to take sick leave (e.g., for non-emergency surgery or for a doctor's appointment), tell your department head or supervisor as soon as possible so that plans can be made to cover your absence.
- (8) All sick leave must be taken in intervals of 60 minutes only. All calculations will be performed by the Human Resources Office.
- (9) In the case of an extended absence, you should consult the human resources director and your insurance plan booklet to see whether you are eligible for any type of disability leave.
- (10) Notwithstanding the requirements for FMLA leave, a medical certification or physician's statement will generally not be required to return to work after the use of sick leave. However, an employee's department head may require medical certification or a physician's statement when there is a reasonable basis to believe the sick leave policy is being abused, to certify that the employee can perform the essential functions of the job without risking the safety of themselves or others, or the employee's length of absence exceeds three full work days.
- (11) An employee may carry over an accumulated maximum of 960 hours of unused sick leave time to the next calendar year.
- (12) No employee shall be compensated for any accumulated and unused sick leave time upon separation from employment except as provided for in the County Employees Standard Unused Sick Leave Program and as stated within this policy. Information regarding this program may be obtained by contacting the Kentucky Retirement Systems office. Any agency participating in the County Employees Retirement System which has formally adopted a sick leave program that is universally administered to its employees may purchase service credit with the retirement system for up to six months of unused sick leave for each retiring employee. Eligible employees may roll up to 960 hours into the retirement account with the city paying the cost involved as states 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. This does not apply to any employee who begins participation in the Kentucky Retirement System after January 1, 2014. Employees entering the County Employees Retirement System after January 1, 2014, may be paid for any unused sick leave hours up to 480 unused hours at the time of retirement, which will be paid at the employee's regular rate of pay at that time.

Bonus Leave Bank

- (1) All hours accumulated in excess of the maximum 960 hours of sick leave allowed as set forth above will be rolled into a separate, second account for use as additional leave. This additional bonus leave account shall have a maximum of 960 hours total.
- (2) No retirement benefits are available for any time accumulated within the bonus leave account. Employees may be paid for up to 320 hours of unused bonus leave at the time of termination, which will be paid at their regular rate of pay. No other amounts will be paid to the employee.
- (3) Employees may take leave from this Leave Bank at a maximum of 40 hours at any one time, unless otherwise approved by the mayor.
- (4) All use of this leave must be approved in advance by your supervisor or the department head, with final approval by the mayor.

Sick Leave Donation

- (1) The purpose of this policy is to establish guidelines and procedures for the administration of the Sick Leave Donation Program. This program permits city employees to donate a portion of their accrued sick leave time for the use of other employees who are experiencing a medical emergency. Use of donated sick leave time by another employee is permitted after the mayor determines the receiving employee's eligibility.
- (2) Employees may donate accrued sick leave hours to coworkers who have experienced an FMLA qualifying illness or injury, not including worker's compensation, and who have exhausted all forms of paid leave.
- (3) An employee wishing to donate sick leave hours to another employee must meet the following criteria:
 - a. Employee must have at least 100 sick leave hours accrued prior to the donation of sick leave hours to another employee.
 - b. Employee must sign a statement of understanding, Sick Leave Donation Form regarding the sick leave donation and its effect on the employee's accrued sick leave.
- (4) An employee who meets the following criteria shall be eligible to receive donated sick leave hours after the first pay period in which the employee's accrued leave (sick leave, vacation leave, and any other form of accrued leave) balance is zero.
 - a. An employee may not solicit any other employee on their behalf to donate sick leave time.
 - b. An employee must have worked for the city for 12 months or longer and must be an employee in good standing.
 - c. An employee must be in a full-time position established by the city council.
 - d. An employee must be off work due to an FMLA qualifying illness or injury, not including workers' compensation.

- e. An employee must provide FMLA medical certification.
 - f. Provided an employee meets or exceeds the above criteria, the employee may receive donated sick time from other city employees up to 960 hours per calendar year, unless otherwise approved by the mayor.
- (5) A receiving employee may use donated time at the same rate as the receiving employee is normally scheduled to work.
 - (6) An employee who has received donated sick leave time must return to work at the earliest possible date the employee is fit to work, regardless of the availability of sick leave donations.
 - (7) The city shall process donations of sick leave time on the next pay period upon the receipt of authorization from the mayor, ensuring that the hours donated will be transferred to the receiving employee's sick leave account.
 - (8) An employee receiving sick leave donations will continue to receive all other benefits provided by the city in accordance with the city's policies and procedures.
 - (9) Any pay received by the employee as a result of donated sick leave time will be subject to any usual deductions on incomes (e.g., federal and state taxes, retirement, etc.).

Family and Medical Leave Act (FMLA)

- (1) The city is subject to the Family and Medical Leave Act of 1993 (FMLA) and its amendments. In order to be eligible for FMLA leave, the employee must meet the following criteria:
 - a. The employee must have been employed by the city for at least 12 months within the past seven years prior to the leave, unless the break in service is due to an employee's fulfillment of military obligations; and
 - b. The employee must have worked at least 1,250 hours during the 12-month period immediately preceding FMLA leave. Any hours that an employee would have worked, but for time spent in the military reserves or National Guard, shall be considered part of the 1,250 required hours.
- (2) Qualifying employees are eligible to take up to a maximum of 12 weeks of job protected leave from the city in any rolling calendar year. A rolling calendar year consists of any 12-month period measured backward from the start date of the requested leave. 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 leave may be paid, unpaid, or a combination of both, depending upon the employee's leave balances. Employees are entitled to 12 weeks of leave for the following reasons:
 - a. The birth or adoption of a child or placement of a child with the employee for foster care. The leave must be taken in the 12 months immediately following the birth, adoption or placement of the child.
 - b. To care for the employee's spouse, child, or parent who has a serious health condition.

1. For purposes of this FMLA section, spouse, as defined in the statute, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.
 2. This definition includes an individual in a same-sex or common law marriage that either:
 - (a) Was entered into in a state that recognizes such marriages; or
 - (b) If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
 - c. A serious health condition which renders the employee unable to perform the functions of their position.
 - d. To allow an employee to deal with a “qualifying exigency” relating to the military deployment of a spouse, child, or parent. A qualifying exigency includes:
 1. Short-notice deployment;
 2. Military events and related activities;
 3. Childcare and school activities;
 4. Financial and legal arrangements;
 5. Counseling;
 6. Rest and recuperation;
 7. Post-deployment activities; and
 8. Additional activities arising from the military duty, provided that the employer and employee agree that such leave shall qualify as an exigency and agree to the timing and duration of such leave.
 - e. Spouses, as defined by FMLA, who both work for the city and wish to take leave for the birth of a child and bonding with a newborn child, adoption or placement of a child in foster care and bonding with the newly placed child, or to care for a parent with a serious health condition may only take a combined total of 12 weeks of leave.
- (3) Employees are entitled to 26 weeks of leave within a 12-month period to take care of an injured service member, who is their nearest blood relative. This also extends to include family members of veterans who were members of the Armed Forces (including the National Guard or Reserves) at any point in time within five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy. For purposes of calculating leave entitlement, the 12-month period begins on the first day the eligible employee takes FMLA leave to care for the covered service member.
- a. The nearest blood relative is defined as a blood relative other than a covered service member’s spouse, parent, son, or daughter, in the following order of priority:

1. Blood relatives that have been granted legal custody of the covered service member by court decree or statutory provisions;
 2. Brothers and sisters;
 3. Grandparents;
 4. Aunts and uncles; then
 5. First cousins.
- b. If the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA, then the designated individual shall be deemed to be the covered service member's nearest blood relative. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the service member's nearest blood relative.
- c. Spouses, if each spouse is a parent, spouse, son or daughter, or next of kin of the servicemember, who both work for the city, wish to take military caregiver leave may only take a combined total of 26 weeks of leave. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.
- (4) In any event where FMLA-qualifying leave is foreseeable by the employee, the employee shall provide their immediate supervisor with advance notice. In many instances, the need for FMLA leave may not be foreseeable by the employee. In those instances, the employee's immediate supervisor or department head shall notify the human resources director of any circumstances that may qualify for FMLA, so that the city may make a determination whether to designate the leave as FMLA-qualifying for the employee.
- (5) The city shall require the following information to be submitted in conjunction with a request for FMLA leave or where the city has designated the leave as FMLA qualifying:
- a. A FMLA Medical Certification Form, which can be obtained from the Department of Labor website (<https://www.dol.gov/whd/fmla/2013rule/militaryForms.htm>), will be required if FMLA leave is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided, including a reason for the delay. The city, at its expense, may require an examination by a second health care provider designated by the city if the city has a reasonable question regarding the medical certification provided by the employee. Depending on the circumstance of the request the following forms should be used:
 1. A FMLA Certification of Health Care Provider of an Employee's Serious Health Condition Form (WH 380E) will be required to certify the employee's own serious health condition.
 2. A FMLA Certification of Health Care Provider for Family Member's Serious Health Condition Form (WH 380F) will be required to certify the employee's family member's serious health condition.

3. A FMLA Certification of Qualifying Exigency for Military Family Form (WH 384) will be required if any of the qualifying exigencies stated in (2)(d)(1-8) apply.
 4. A FMLA Certification for Serious Injury or Illness of Covered Service Member (WH 385) will be required for care of an injured service member.
 5. A FMLA Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (WH 385V) will be required if FMLA is for the care of a veteran who was a member of the Armed Forces at any point in time within the five years preceding the date the veteran undergoes medical treatment, recuperation or therapy.
- b. Employee may be asked to provide a new medical certification:
1. When the employee requests an extension of leave and the original medical certification states that serious health condition of employee or employee's family member will last a specified period and that period has ended;
 2. When circumstances described in the original medical certification have changed significantly (e.g., change in duration or frequency of employee's absence);
 3. When the original medical certification states that serious health condition(s) of employee or employee's family member will last indefinitely, the employee may be asked to provide a new medical certification, but no more frequently than every 30 days; and
 4. The employee must provide the new medical certification within 15 calendar days; however, the city may provide a reasonable amount of additional time if the employee has been unable to obtain certification in spite of employee's diligent, good faith efforts.
- c. The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the city will require the employee to provide a copy of the covered military member's active duty orders or other military documentation which indicates the appropriate military status and the dates of the active duty status.
- (6) Employees must use any accumulated sick, vacation, personal time, compensatory leave time, or other paid leave to the extent available during the FMLA leave period, unless such leave is covered under workers' compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of the employee's total accumulated leave will be treated as leave without pay, except in situations where the employee is eligible for Sick Leave Donation time as provided under Section 8 of this Handbook.
 - (7) The city will require employees returning from FMLA leave for a qualifying event related to the employee's serious illness to provide a Medical Release to Return-to-Work. Upon return from FMLA leave, the employee will be restored to their original or an equivalent position. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned their position with the city.
 - (8) The city will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution for any portion of leave that is unpaid. If the employee elects not to return to work at the end of the leave period, the employee

will be required to reimburse the city for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.

- (9) It may be medically necessary for some employees to use intermittent FMLA leave. The city will work with employees to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or their own serious medical condition.
- (10) In addition, intermittent leave may be used for the birth or adoption of a child, or the placement of a child with the employee for foster care provided that the employee and the city agree upon a scheduled use of intermittent leave for this purpose and any leave is concluded within 12 months following the date of the birth, adoption, or placement.

Maternity and Parental Leave

- (1) The city recognizes that employees may need to be absent from work to care for a newborn child or new adopted or foster child (referred to as parental leave in this policy), or due to a pregnancy-related condition (referred to as pregnancy leave in this policy). The city provides pregnancy and parental leaves of absence to all eligible employees in accordance with the Family and Medical Leave Act (FMLA), Pregnancy Discrimination Act (PDA), Americans with Disabilities Act (ADA), Kentucky Pregnant Workers Act (KPWA) and any other applicable law.
- (2) The human resources director is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about pregnancy or parental leave that are not addressed in this policy, please contact the human resources director.
- (3) If you are suffering from a pregnancy-related disability and require reasonable accommodation (which may include leave) for this purpose, please speak with your department head or supervisor and/or the human resources director to discuss a reasonable accommodation. You may be required to submit medical certification of your disability.
- (4) During pregnancy and parental leave, the city will provide full-time employees their normal rate of pay for up to 120 hours. Any leave taken beyond the initial 120 hours of paid leave, will be unpaid, unless the employee has accrued leave time that will be substituted, as set out in the city's FMLA policy. If an employee is not eligible for FMLA, they must substitute any accrued paid leave, and upon exhaustion of paid leave they must take any additional time as unpaid.
- (5) During pregnancy and parental leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law. For all other benefits, an employee on pregnancy or parental leave will receive the same rights and benefits as employees on a paid or an unpaid leave of absence.
- (6) Your job will be held for you in accordance with applicable law while you are on pregnancy or parental leave.
- (7) If you are on pregnancy-related disability leave, when you are able to return to work, you must submit a doctor's certification stating you are medically able to return to your normal duties. Your continued absence from work beyond your required disability leave period (as determined by your physician) and exhaustion of all other available leave may be deemed a voluntary abandonment of your job.
- (8) Nothing in this policy requires the city to reemploy individuals who are not eligible for reemployment rights under applicable law.

- (9) The city prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's pregnancy or parental leave. Specifically, no one will be denied employment, reemployment, promotion or any other benefit of employment or be subjected to any adverse employment action based on that person's pregnancy or parental leave. In addition, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.
- (10) The city is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report such conduct, the city may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Bereavement Leave

- (1) All full-time city employees shall be eligible for paid bereavement leave in the event of death in the employee's immediate or extended family. Bereavement leave shall be granted on the following basis:
 - a. An employee shall be authorized for up to three consecutive days of paid bereavement leave in the event of death in the employee's immediate family. In unusual circumstances, additional time off may be granted, with or without pay, at the discretion of the mayor.
 - b. For the purposes of this paragraph "immediate family" shall mean 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 regard to any other member of the family requires approval for bereavement leave by the mayor.
- (2) Whenever the use of bereavement leave is necessary, the employee shall provide advance notice to their immediate supervisor.

Unpaid Leave of Absence

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

such as life insurance, the employee will be subject to the terms and conditions of the specific plan, and the employee must pre-pay any applicable contribution or premium during the period of the absence in order to maintain those benefits.

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

Jury Duty and Court-Ordered Appearances

- (1) The city encourages employees to fulfill their obligation as citizens when called to serve jury duty or to comply with a court or administrative subpoena. An employee that is required to attend jury duty or comply with a court or administrative subpoena during their regular working hours at the city shall be paid their full salary for the period of such service. Employees will submit the Jury Duty Attendance Form for any period of absence.
- (2) An employee involved in litigation or court proceedings as a plaintiff or petitioner and is not appearing before the court as a result of a duly issued subpoena shall not be eligible for the paid leave provided under the provisions of this policy, but may be permitted to use vacation, personal or compensatory leave time for such absences as provided in Section 8 of this Handbook.
- (3) The employee must provide a copy of the summons or subpoena to their department head or supervisor as soon as possible after receiving such notice.
- (4) Any employee excused by the court during their normal working hours shall contact their department head or supervisor to determine if they will be required to work the remainder of their normal work schedule.
- (5) All police officers must provide a copy of their subpoena(s) or written approval from the police 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.

Voting Leave

- (1) The city encourages its employees to vote on Election Day. In order to facilitate efficient scheduling and management of the office workload, an employee shall request voting leave from the employee's supervisor at least one day in advance of the election date, or one day in advance

of the date on which the employee appears before the county clerk to request an application for or to execute an absentee ballot.

- (2) The department head or supervisor will grant a reasonable period of voting leave for an employee who is qualified to vote and who has requested voting leave in accordance with this policy. The city will compensate the employee for up to two hours of leave. The department head or supervisor will specify the hours during which the employee may be absent.
- (3) An employee who requests and takes voting leave, but who fails to vote without an acceptable reason, shall be subject to disciplinary action.

Military Leave

- (1) The city will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the provisions of KRS 61.373 through 61.377 and KRS 61.394. USERRA grants military leave for employees, and in most cases, reinstatement rights regardless of whether the service is voluntary or involuntary.
- (2) As the laws change, or as interpretations of the laws change, military leave benefits for city employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, an employee should consult with their immediate supervisor or the human resources director for details regarding their military leave rights as a city employee.
- (3) Unless precluded by military necessity, an employee shall provide written notice to their immediate supervisor as soon as possible regarding the need for military leave.
- (4) In any one federal fiscal year (October 1-September 30), all full-time and part-time employees involved in military service for the United States or the Commonwealth of Kentucky are eligible to be paid their normal wages for a maximum of 21 days. Employees will only be paid based on the days they would have been scheduled to work if not for military leave. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two years after it has accrued.
- (5) An employee shall be entitled to military leave without loss of time, pay, regular leave, impairment of efficiency rating, or any other employment rights or benefits to which the employee is entitled, including employer contributions that would have been paid into CERS if the employee had not been on military leave. Employer-provided CERS contributions will only be paid if the employee returns to work with the city upon honorable discharge from the military.
- (6) Employees called to active duty should fill out the Active Duty Military Leave Notification as soon as practicable.

Section 9 – Appendices and HR Forms

APPENDIX A – SOCIAL SECURITY NUMBERS AND PRIVACY PROTECTION

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

- (9) The level of protection afforded by security software should be commensurate with the sensitivity of the data. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.
- (10) Systems, networks and application software used to process personal information must adhere to the highest level of protection reasonably practical. The city will use Intrusion Detection and Prevention software approved by the Commonwealth Office of Technology (COT). A list of approved software is available on the COT website (<http://technology.ky.gov/Governance/Pages/KITS.aspx>), or the software must provide comparable or superior protection.
- (11) Information stored on digital media shall be encrypted in accordance with contemporary standards.
- (12) This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of city business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the city indicating acceptance of the information and acknowledging their understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the city should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.
- (13) When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last four digits of the social security number).
- (14) The city will secure, and when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons.
- (15) Secure measures must be employed by the city and all permissive users to safeguard personal information contained on all city technology resources.
- (16) Cities shall ensure that all authorized personnel are familiar with and comply with this policy. The city shall ensure that only authorized personnel may hold and have access to personal information.
- (17) Threats to the security of personal information arise in many different ways. The city will make an attempt to be aware of the different types of threats and to enact reasonable measures to protect against each. Attacks on personal information may arise from:
 - a. External/Removable Media — an attack executed from removable media (e.g. flash drive, CD) or a peripheral device.
 - b. Attrition — an attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
 - c. Web — an attack executed from a website or web-based application.
 - d. Email — an attack executed via an email message or attachment.

- e. Improper Usage — any incident resulting from violation of an organization’s acceptable usage policies by an authorized user, excluding the above categories.
 - f. Loss or Theft of Equipment — the loss or theft of a computing device or media used by the organization, such as a laptop or smartphone.
- (18) Whether in digital or non-digital format, the city will retain and keep secure all personal and confidential information as set out in the Kentucky Department of Libraries and Archives Record Retention Schedule. The city will physically destroy documents that contain personal confidential information, including social security numbers, by shredding or other secure fashion. Personal confidential information, including social security numbers, stored in a computer database which needs to be removed will be deleted from all programs and processes pursuant to techniques and standards commonly used for such purposes. The methods set forth below are listed in priority order with the most highly recommended safeguard listed first. One of the following safeguards must be implemented:
- a. Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense. The city will review and evaluate the disposal company’s information security policies and procedures. The city will review an independent audit of a disposal company’s operations and/or its compliance with nationally recognized standards.
 - b. Secure and utilize shredding equipment that performs cross-cut or confetti patterns.
 - c. Secure and utilize disk sanitizing or erasing software or equipment approved by the United States Department of Defense.
 - d. Modify the information to make it unreadable, unusable or indecipherable through any means.
- (19) The city must disclose a security breach in which personal information is disclosed to, or obtained by, an unauthorized person. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within 35 days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent by the city describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.
- (20) When the city identifies a security breach in which personal information has been disclosed to, or obtained by, an unauthorized person, within three business days the city shall notify the Kentucky State Police, the Auditor of Public Accounts, the Attorney General and the Commissioner of the Department for Local Government and complete form COT-F012. The city shall document the following:
- a. Preliminary reporting and description of the incident;
 - b. Response, including evidence gathered;
 - c. Final assessment and corrective action taken; and
 - d. Final reporting.

- (21) Incident response procedures can be a reaction to security activities such as:
- a. Unauthorized access to personal information, data, or resources;
 - b. Denial of service attacks;
 - c. Actual or anticipated widespread malware infections;
 - d. Data breaches;
 - e. Loss/theft of equipment;
 - f. Significant disruption of services; and
 - g. Significant level of unauthorized scanning activity to or from hosts on the network.
- (22) The city shall make reasonable efforts to investigate any security breaches in which personal information is disclosed to, or obtained by an unauthorized person and shall take appropriate corrective action.
- (23) The city must comply with all federal and state laws and policies for information disclosure to media or the public. In some circumstances, communication about an incident is necessary, such as contacting law enforcement. The city should use discretion in disclosing information about an incident. Such information includes network information, type of incident, specific infection type (if applicable), number of assets affected, specific detail about applications affected, applications used to employ corrective action/investigate, etc. The city may proactively share relevant incident indicator information with peers to improve detection and analysis of incidents. Within the parameters of the law, minimal disclosure regarding incidents is preferred to prevent unauthorized persons from acquiring sensitive information regarding the incident, security protocols and similar matters, in an effort to avoid additional disruption and financial loss.
- (24) Any employee of the city who knowingly violates the provisions of this policy will be subject to the city's disciplinary policy.

APPENDIX B – EMAIL AND COMMUNICATIONS RETENTION

SECTION 1. INTRODUCTION

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

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

SECTION 2. POLICY

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

This policy for managing electronic mail is consistent with legal requirements and efficient recordkeeping standards from the State Archives and Records Commission, the Kentucky Department for Libraries and Archives, and the Commonwealth Office of Technology.

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

SECTION 3. RETENTION REQUIREMENTS

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

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

This is any communication using an electronic messaging system.

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

Examples of Electronic Messages include:

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

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

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

The categories of correspondence are:

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

This is correspondence that is not related to agency business.

Retention: Destroy immediately.

Examples of Nonbusiness-Related Correspondence include:

- Unsolicited messages (for example, sales pitches).
- Nonbusiness related messages from coworkers (for example, news articles, nonbusiness related announcements from coworkers).
- Junk mail or spam.
- Personal messages

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

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

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

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

Examples of Routine Correspondence include:

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

NOTE: Since the retention for series M0002 Routine Correspondence is “*retain no longer than two years,*” a uniform retention period within the two-year window for routine correspondence needs to be established for all of the units covered by this policy. This could be done on the cabinet, department, or division level depending on where this policy is adopted. All employees in an agency, as defined in this policy, should be retaining routine correspondence for the same amount of time and following agency filing procedures. (See Section 5 for further guidance.)

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

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

Examples of Official Correspondence include:

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

SECTION 4. USER RESPONSIBILITIES

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

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

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

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

See “Storage of Email Messages Using Outlook” on the KDLA website.

<http://kdla.ky.gov/records/Documents/Storage%20of%20email-v.2-10-17-06.PDF>).

SECTION 6. DISPOSITION OF ELECTRONIC MAIL

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

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

SECTION 7. DEFINITIONS

- (1) Agency (public) – every state or local office, state department, division, bureau, board, commission and authority; every legislative board, commission, committee and officer; every county and city governing body, council, school district board, special district board, municipal corporation, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and any other body which is created by state or local authority and which derives at least twenty-five percent (25%) of its funds from state or local authority. (See KRS 171.410(4)).

- (2) Electronic – relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. (See KRS 369.102(1)).
- (3) Email messages – any communication supported by email systems internally, between other state, local, and federal agencies, and with constituents, voters, vendors, clients, citizens, and others. This definition applies equally to the contents of the communication, the transactional information associated with each message, and any attachments to the body of the message.
- (4) Email systems – applications that enable users to compose, transmit, receive, and manage text and/or graphic email messages and images across LAN and WAN networks and through gateways connecting the latter with the internet. The approved product for state agencies is Microsoft Outlook/Exchange.
- (5) Electronic mail receipt data – information in electronic mail systems regarding the date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).
- (6) Electronic media – media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar media.
- (7) Electronic record – a record created, generated, sent, communicated, received, or stored by electronic means. (See KRS 369.102(7))
- (8) Electronic records system – any information system that produces, manipulates, and stores public records by using a computer.
- (9) Employees (for the purposes of this policy only) – all users of city email systems, including employees, contractors, consultants, temporaries, volunteers and other workers within city government.
- (10) Mailing list service – an electronic mailing list hosting service (e.g., Listserv) used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.
- (11) Public record or Record – all books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" will not include any records owned by a private person or corporation that are not related to functions, activities, programs or operations funded by state or local authority. (See KRS 171.410 (1)).
- (12) Records officer – public agency employee who represents their unit of government in its records management relations with the State Archives and Records Commission and the Kentucky Department for Libraries and Archives as defined in 725 KAR 1:010.
- (13) Transactional information - information about the email message that can include name of the sender and all recipients, date and time the message was created and sent, host application that generated the message, and all of the systems and computers the message was routed through. Some or all of this transactional information may or may not be a visible part of the message. The federal courts have ruled that this information is a vital part of the message itself and is an important consideration when storing email messages.

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

Figure 1.1 Decision Sequence for Determining Email Retention

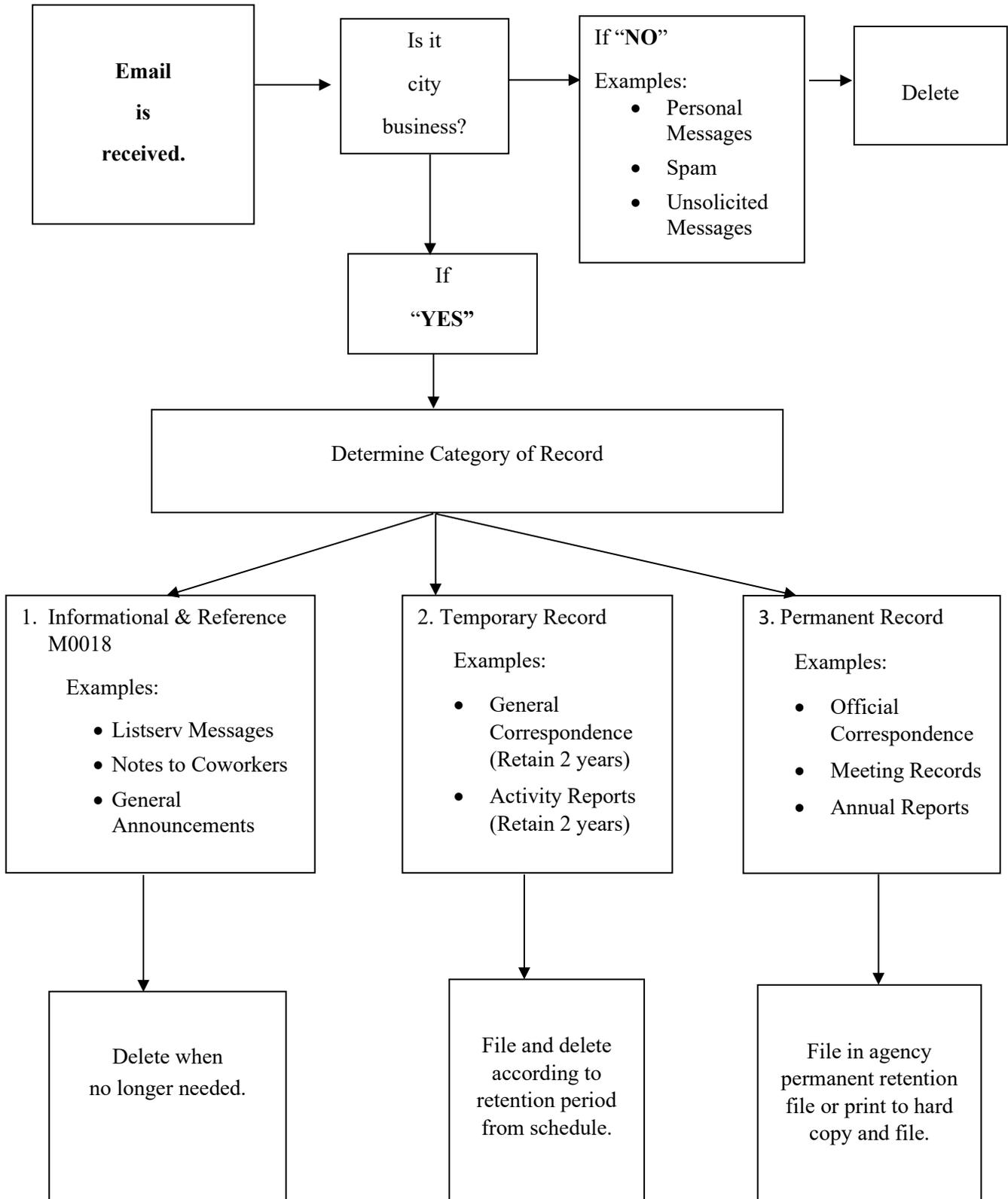
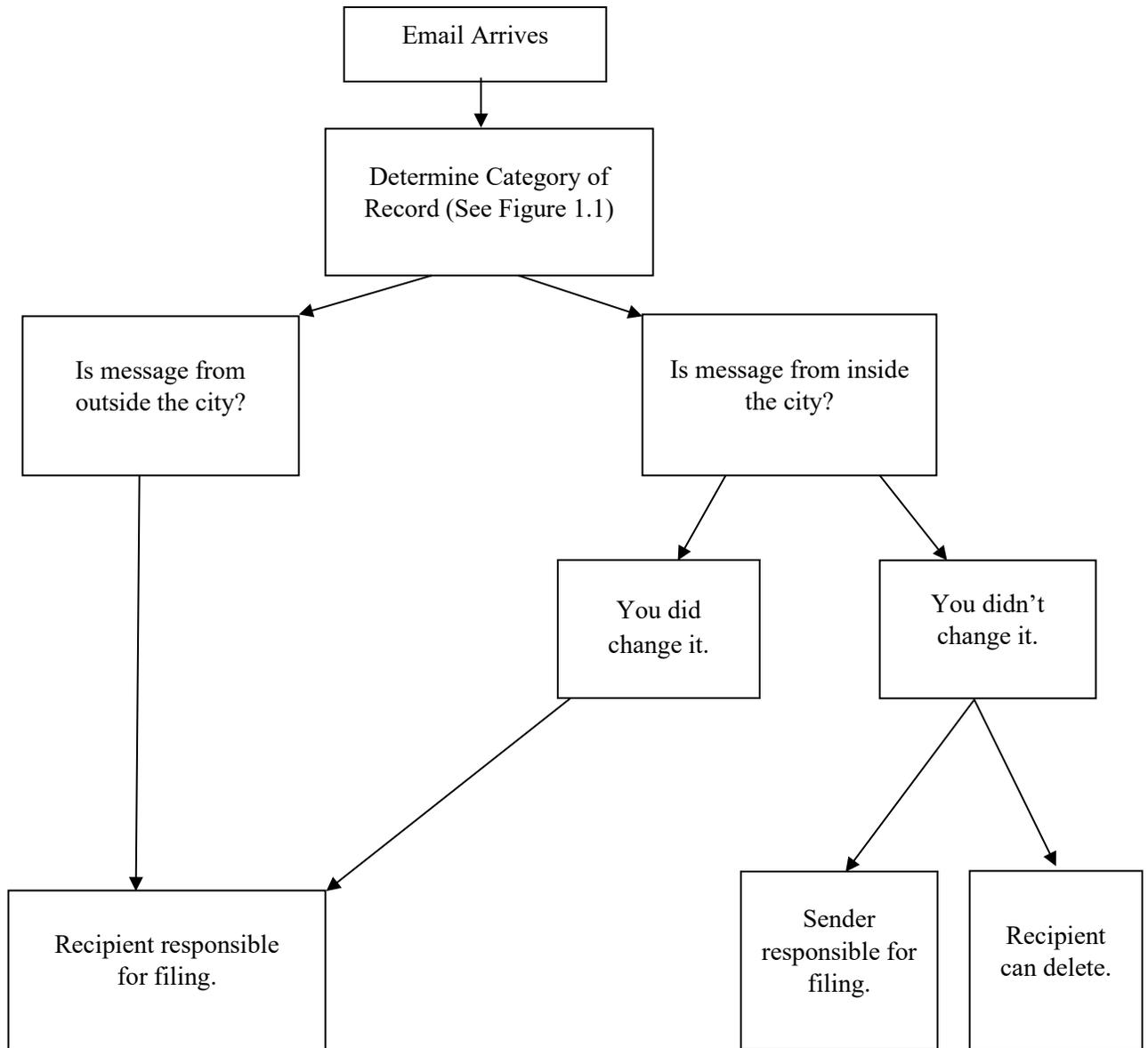


Figure 1.2 Determining Responsibility for Retaining Email Messages

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



APPENDIX C – CUSTOMER SERVICE PRINCIPLES

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

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

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

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

General - External and Internal Customers

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

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

Customer Expectations and Sources of Frustration

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

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

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

Communication Techniques

1. Communication tips to promote effective customer communication:
 - Actively listen by maintaining eye contact.

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

Customer Service Guidelines

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

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

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

2. Telephone Usage and Etiquette Policy – Telephone calls from both internal and external customers should be answered as quickly as possible (within three rings whenever practical.)
 - Employees who answer telephones as one of their primary job duties are prohibited from screening phone calls or avoiding calls from a particular person or phone number.
 - Placing a call – When placing calls, employees should identify themselves by city department and name. For example:

“Hello, this is Jan Smith calling from the City of Somerset Human Services Division. Is Mr. Phillips available?”
 - If the intended party answers, provide them with accurate and concise information, following the same protocol when receiving calls as described below. If an employee must leave a message, they should be sure to clearly state their name, city department, phone number, and a brief summary of the purpose of the call. When possible, repeat the return phone number twice. For example:

“Hello, this message is for Mr. Billy Williams. This is Jan Smith calling from the City of Somerset Human Services Division. My number is 000-000-0000. I am returning your call regarding the water department bill. Again, I can be reached at 000-000-0000. Thank you.”
 - Receiving calls – Employees are expected to answer the telephone in a courteous and professional manner. After the employee’s greeting, the caller should be allowed to state their business or concern. Employees are advised to listen carefully and never cut a caller off before they are finished speaking.
 - The employee should then attempt to assist the caller by providing accurate information in as concise a manner as appropriate. Provide only factual information, and refrain from giving opinions or speculating.
 - When the information has been provided, ask the caller if they need any further assistance. Once the caller is ready to hang up, thank the caller. Never hang up if the caller is still speaking, unless the caller is abusive. (More information on responding to complaints and angry customers is below.)
 - Transferring calls and placing calls on hold – Employees should make every effort to assist the caller and avoid placing the caller on hold or transferring. If an employee is unable to assist a caller, needs information from another employee, or the caller needs to speak with someone from another department, the call may be transferred and/or placed on hold. The employee should say something like:

“I am unable to help you with this issue, but I’d like to transfer you to someone who can help. May I place you on hold briefly while I contact them to transfer your call?”

- Unless the caller is insistent, do not transfer them to another employee or their voicemail if the caller is angry. Instead, offer to take a message and make certain the message is delivered promptly. Similarly, avoid sending angry callers directly to the mayor without consulting your immediate supervisor to see if they can resolve the issue.
- If the customer gives permission, call the extension of the employee who will be able to help. Avoid transferring a call without speaking to the other employee. It is difficult for employees to take calls without preparation and the caller will find it frustrating if they are required to restate their request. If the employee answers, briefly share the caller’s identity and general request. Prior to putting the customer on hold, it is a good idea to let the customer know the employee’s extension just in case the call gets lost or dropped.
- If the employee you are trying to reach is not available, inform the caller that the person is unavailable and offer to take a message or transfer the caller to the employee’s voicemail. Do not transfer the caller to an employee’s voicemail without the permission of the caller. If the caller does not wish to leave a message, inform them politely that they are welcome to call back at another time.
- Call forwarding – It may be necessary at times for employees to utilize the call forwarding feature through the phone system when out of the office. Employees should check with their supervisor to see if they should use the call forwarding feature (or an out-of-office voicemail greeting) when planning to be out of the office.
- When out of the office, phone calls are generally forwarded to another employee or to a city-issued cell phone but may be forwarded elsewhere as needed at the discretion of the supervisor.
- Employees should consult the user prompts on their office telephone for instructions on how to forward calls or contact the human resources director or their designee for further assistance.
- Taking messages – If a caller is seeking a particular employee and that person is not available to answer their phone, inform the caller and ask if another employee may assist them, if appropriate.
- If the employee is not available to take the call, the answering employee should avoid providing unnecessary information to the caller. For example, state “I’m sorry; Jane is not available at this time.” instead of: “Jane is down in the lunchroom right now.” The employee taking the call should offer to take a message or offer to transfer the call to the employee’s voicemail. Allow the caller to choose the method of message delivery.
- Messages should include the information listed below. It is important for employees to take good notes and give messages to other employees promptly, in order to provide quick and accurate customer service:
 - Name of the person who the message is for, date and time.
 - Name or initials of the employee taking the message.

- Name of the caller's business/organization, if needed Telephone and other contact information where the caller can be reached.
 - Consider asking for the best time to return a call.
 - Purpose of the call/message/request.
 - Action requested by the caller: wants to see you, please return call, will call back, etc. ,and
 - Repeat the information back to the caller to check accuracy.
- Returning telephone calls – Employees should make every effort to check their voicemail often and return calls as quickly as possible, within one business day or sooner. If an employee is on shift work, voicemail greetings should convey the fact that calls will be returned when the employee returns to work. Greeting messages should specify the date the employee expects to return to work.
 - Voicemail greeting – When setting up the primary greeting, employees should include their name and department. Greetings should be polite and concise. For example:

“Hello, you have reached the voicemail of Bill Jones, City of Somerset Public Works Department. I am unable to take your call at this time. At the tone, please leave your name, phone number, and a brief message and I will return your call as soon as possible. Thank you.”
 - Greetings can be enhanced to allow the caller to speak to a live person if they do not wish to leave a message.
3. Email Usage and Etiquette Policy – Email messages from both internal and external customers should be answered as quickly as possible (by the end of the business day if practical). Employees are expected to respond to emails in a concise and professional manner. Following are email etiquette tips to follow when initiating or responding to an email:
- Be concise and to the point – Do not make an email longer than it needs to be. Keep the important information as close to the top of the email message as possible. Remember that reading an email is harder than reading printed communications and a long email can be very discouraging to read.
 - Respond promptly – Customers generally send an email because they wish to receive a quick response. As noted above, every effort should be made to reply to a routine request within the same business day but no later than the end of the next business day. If the request is complicated (non-routine), reply to the email, stating that you have received their email and you expect to get back to them within a certain timeframe.
 - If you are out of the office for an extended period, place an out-of-office message on your email stating the date that you will respond to them, as well as an alternative person to call or email.
 - Use proper spelling, grammar and punctuation – This is very important because improper spelling, grammar and punctuation give a poor impression of the city. Moreover, it is important for conveying the message properly. Emails with no full stops or commas are difficult to read and can sometimes even change the meaning of the text. Avoid using

acronyms or city jargon as the reader may be unfamiliar. Use the spell check option for longer email messages.

- Use proper structure and layout – Since reading from a screen is more difficult than reading from paper, structure and layout are very important for email messages. Use short paragraphs and blank lines between each paragraph. When making points, consider numbering them. Do not use a background font or design that detracts from your message.
- Do not overuse the high priority option, or it will lose its function when you really need it. Moreover, even if an email has high priority, your message will come across as slightly aggressive if you flag it as ‘high priority.’

Email Etiquette Tips

- Do not write in CAPITALS – IF YOU WRITE IN CAPITALS IT SEEMS AS IF YOU ARE SHOUTING. This can be annoying and may trigger an unwanted response from the recipient.
- Don’t leave out the message thread – When you reply to an email, it is more often than not best to include the original mail in your reply; in other words, click ‘Reply’, instead of ‘New Mail.’ If a person receives many emails, they obviously cannot remember each individual email. This means that a ‘threadless email’ will not provide enough information and they will have to spend a frustratingly long time to find out the context of the email. Leaving the thread might take a fraction longer in download time, but it will save the recipient the time and frustration of looking for the related emails in their inbox or deleted folder.
- Read the email before you send it – Reading your email from the recipient’s point of view will help you send a more effective message and avoid misunderstandings and inappropriate comments.
- Do not overuse “Reply to All” – Only use “Reply to All” if you really need your message to be seen by each person who received the original message.
- Take care with abbreviations and emoticons – Try not to use abbreviations such as BTW (by the way) and LOL (laughing out loud). The recipient might not be aware of the meanings of the abbreviations and in business emails these are generally not appropriate. The same goes for emoticons, such as the smiley :). If you are not sure whether your recipient knows what it means, it is better not to use it.
- Take care when requesting delivery and read receipts – If you decide it is necessary to request a delivery and read receipt, be advised that doing so could annoy your recipient before they have even read your message. Besides, it often does not work since the recipient could have blocked that function. If you want to know whether an email was received it may be better to ask the recipient to let you know if it was received.
- Do not ask to recall a message – Chances are that your message has already been delivered and read. It is better just to send an email to say that you have made a mistake. This will look much more honest than trying to recall a message.
- Use a meaningful subject – Try to use a subject that is meaningful to the recipient as well as yourself.

- Avoid long sentences – Try to keep your sentences to a maximum of 15-20 words. Email is meant to be a quick medium and requires a different kind of writing than letters. Also take care not to send emails that are too long; chances are that the recipient may not want to or have the time to read it.
 - Keep your language gender neutral – Avoid using sexist language such as: “The user should add a signature by configuring his email program.” Apart from using him or her, you can also use the neutral gender: “The user should add a signature by configuring the email program.”
4. Translation and Interpretation Services – At times, employees may need the services of a translator or an interpreter to communicate with a customer. Employees are encouraged to seek guidance from supervisors.

Responding to Complaints and Angry Customers

1. Tips for Handling Complaints Effectively.
 - Be patient – Do not interrupt the customer. Give the customer ample time to explain the issue. Project an air of interest, concern and genuine desire to help the customer.
 - Be understanding – Do not be judgmental. Customers want empathy. Let them know you understand by summarizing their concerns. The following statements demonstrate that you understand their concern:
“Let me see if I understand this....” -or- “You are feeling _____ because _____.” Speak calmly and slowly - this should help relax the customer and allow you to address the facts, not cater to the emotions. Speaking calmly and slowly will also help you to stay calm and focused.
 - Sincerely apologize for the inconvenience - Even if you sense that the problem is not the fault of your department or the city and clearly not your fault, apologize to the customer for the inconvenience they have experienced. This is not admitting guilt or patronizing the person, but rather will communicate sympathy, understanding, and a willingness to assist the customer.
 - Identify the problem – Based on the information the person communicates to you, restate the problem/issue in a concise way to make sure that all of the points are covered completely and to ensure that you have understood them correctly.
 - Identify solutions – Depending on the specifics of the particular conversation and your knowledge of the organization, a solution may involve taking notes, promising to research the matter and following up at a later date. If it is a person on the telephone, a potential solution might be to have the person come in to the office to speak to another employee.
 - Make an agreement – You and the customer should determine what is to be done, when it is to be done, and by whom.
 - **Follow-up personally to make sure the customer has been satisfied.**
2. Dealing with Angry Customers – When handling or responding to complaints and/or angry customers, the employee should be patient while allowing the customer to vent a reasonable amount of stress, anger and/or frustration. Employees must remain calm and respectful at all times. Make an effort not to take complaints personally or assign blame or judgment and attempt to follow the tips for handling complaints effectively.

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

- Hastily and/or unnecessarily transferring a complaint caller to an unsuspecting co-worker.
 - Ignoring a complaint caller while they “talk themselves out and calm down.”
 - Placing a complaint caller on hold without a periodic check-in.
 - Responding to the complaint by saying, “sorry, that’s not my job.”
 - Placing the blame on another department or employee. It solves nothing and hurts morale.
 - Hanging up as if by accident.
 - Promising to call right back. If you need to return the call, give a reasonable time frame.
 - Also, do not promise that someone else will return the call. Promising to give the message to the appropriate person is acceptable.
3. When a Customer Uses Abusive Language – Employees are not expected to put up with verbally abusive customers who use obscene or threatening language. If a customer is verbally abusive, keep the following in mind:
- Explain that the conversation is not resolving the problem.
 - Politely end the conversation by saying: “I am not comfortable with the way you are talking to me. Perhaps it would be better if we discussed this at another time.”
 - Notify the appropriate person in your department or supervisor who may receive a visit or a phone call from this person and present the facts as you see them.

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

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

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

Stress Management and Employee Assistance Program

It is normal for city employees to feel “stressed out” when attempting to provide effective customer service, especially to individuals who are overbearing or angry. For tips on how to recognize and deal with personal stress, consider the city’s Employee Assistance Program (EAP). Information on this program can be found in Section 7 of this Handbook.

Conclusion

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

HR FORM 01 – HANDBOOK ACKNOWLEDGEMENT

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

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

I understand that the City of Somerset is an Equal Opportunity Employer. As outlined in the City of Somerset Employee Handbook, it is the city's policy to afford equal employment opportunity to all qualified persons regardless of race, color, religion, age, sex, sexual orientation, gender identity, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, national origin, disability, veteran or family status, an individual's status as a smoker or nonsmoker, genetic makeup or any other status or condition protected by applicable local, state or federal laws, except where a bona fide occupational qualification applies. I understand any questions about this policy should be directed to my supervisor or any supervisor or management staff.

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

Employee Name

Employee Signature

Date

HR FORM 02 – DRUG- AND ALCOHOL-FREE WORKPLACE POLICY ACKNOWLEDGEMENT

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

CERTIFICATION AND ACKNOWLEDGEMENT

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

Signature of Employee _____

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

Date _____

