

CITY OF POULAN
CHAPTER 15
PERSONNEL POLICY

I - GENERAL PROVISIONS

1.01 Purpose and Statement of Intent

This employee handbook of personnel procedures is intended to be a general statement of the personnel procedures of the City and is subject to change at anytime without prior notice to employees.

Title 34 Chapter 7 of the Georgia Code creates employment at will conditions in the State of Georgia and all employees of the City are “at will” employees. This means that all employees are employed for an indefinite time period and that the employer and employee are each free to terminate the employment relationship at any time without notice for any reason.

The appointing authority (City Council or expressly appointed designees) are the only City officials authorized to appoint employees. Statements, contrary to these “at will” provisions, regarding employment or conditions of employment, made by any other unauthorized City official or employee, should not be construed or interpreted by the employee as modifying or changing the conditions of employment contained in this handbook. All employees are “at will” employees and serve at the pleasure of the appointing authority.

Although the City is declaring as an “at will” employer, the City wants to ensure high morale for its employees and a high level of productivity for the people of the City. To accomplish these goals, officials feel that fair and equitable treatment of applicants and employees is desirable. Although all jobs are not identical and, therefore, all conditions of employment will not be identical, many personnel practices can be the same in various departments. Among those practices are methods of requesting, earning, and accumulating annual and sick leave. By including these provisions in these procedures, City officials hope to provide equitable treatment to employees and to assure good personnel practices.

In no case should any provisions of this handbook be interpreted as an act of conveying the expectation of continued employment or any other relaxation of the employment at will doctrine of the City.

Neither should any provision of this handbook be interpreted as creating any subsidiary contractual obligations or privileges or conditions of employment between the City and the employee except those specifically listed as follows:

1. An employee may earn, accumulate, and take annual leave as specified by these procedures.
2. An employee may earn, accumulate, and take sick leave as specified by these procedures.

3. An employee may observe holidays (or comparable time off) as specified by these procedures.
4. Eligible employees may participate in a City wide retirement program **only if one is available**. Specific provisions for eligibility and participation will be as outlined in any retirement ordinance passed or amended by the City Council.
5. Eligible employees may participate in group insurance and group medical coverage **if offered by the City**. Specific provisions for eligibility and participation will be in accordance with the terms and specifications as outlined in the group contract or plan in effect or as amended.
6. An employee may take military leave with full City pay and, in some cases, leave without pay as specified in these procedures and as provided by Georgia Law.
7. An employee may retain full jury pay and full City pay only in accordance with these procedures.
8. An employee may obtain outside employment in accordance with these procedures.

1.02 Establishment, Applicability, and Coverage

These personnel procedures will apply to all departments in City government. Specifically, six types of employees may be covered, in whole or in part, in participating departments or offices. These types of employees are covered in sections 5.01A, 5.01B, 5.01C, 5.01D, 5.01E, and 5.01F, which define full-time, temporary, seasonal, acting, substitute, and part-time employees and also outlines the level of coverage, if any, of each.

Specifically excluded from all provisions of these procedures are: members of the City Council, members of any appointed Board or Commission, persons employed to make or conduct a temporary or special inquiry, and those persons paid on a retainer or contract basis - such as the City Attorney.

1.03 Administration

The City Council is the appointing authority. However, the Mayor is the designee to administer the policies. The Mayor may, in turn, appoint other designees, primarily Department Heads to assist in administering these policies.

II - JOB CLASSIFICATION PLAN

2.01 Establishment and Amendment

The appointing authority may establish an employee pay and classification plan. The nature and content of the plan, if established, will be at the discretion of the appointing authority and is subject to be changed or be discontinued at any time without prior notice to employees.

2.02 Interpretation of Job Descriptions

One element of the classification plan may be job descriptions. The job descriptions are descriptive and not restrictive. They are intended to indicate the general kinds of duties, responsibilities, and job requirements normally associated with the position, but are not intended to be exhaustive. Employees may be assigned other duties not included in the descriptions and also may be required to work across departmental lines.

III - EMPLOYEE PERFORMANCE EVALUATION

3.01 Objectives

The appointing authority may utilize a performance appraisal system for evaluating employees. The type of system utilized will be at the discretion of the employer and is subject to change without prior notice to the employee.

The employee performance evaluation is a management tool that may be used in an attempt to effectuate higher levels of employee productivity and may also be a factor in determining salary increments. Performance evaluations may also be used for any other purposes the appointing authority deems appropriate.

3.02 Qualifications

In no case should employees view the employee performance evaluation as a right or obligation of the City. Rather, the evaluation is a management tool to be used at the discretion of the appointing authority.

3.03 Time and Period of Evaluation

If the appointing authority elects to utilize an evaluation system in any given year, such authority will determine the time the evaluation will take place and the period of time to be covered by the evaluation.

3.04 Procedure for Filing Evaluation Disagreements Other than through the Grievance Process

If an employee disagrees with any statement in an evaluation, he or she may submit, within 10 days following the evaluation, a written statement to the appointing authority, and the statement will become a part of the employee's permanent file. This action does not constitute a grievance or appeal, but is merely an administrative procedure requiring no action or response by the appointing authority or their designees.

IV - TRAVEL EXPENSE REIMBURSEMENT

4.01 Reimbursement Procedures

- A. **Mileage Allowance.** Employees will be reimbursed at a rate to be set by the City Council when specifically authorized to use their personal vehicle in lieu of a City vehicle in the performance of official City duties. In the event it is necessary for an employee to put fuel in a City vehicle at the employee's personal expense, the employee will be reimbursed for the cost of the fuel, provided that a valid receipt is submitted along with the expense voucher.
- B. **Common Carrier.** If a common carrier is used for official travel, reimbursement will be at the tourist rate. Receipts must be submitted. A Department Head or higher authority must approve use of common carrier prior to travel.
- C. **Meals.** Reimbursement will be made for actual cost of meals while on official travel. Receipts are required.
- D. **Lodging.** Reimbursement will be made for the actual and reasonable cost of lodging while on official travel. Copies of hotel or motel receipts shall be attached to expense voucher for payment.
- E. **Other Expenses.** Employees may be reimbursed for other expenses incidental to official travel and normally will be limited to taxi fees, baggage handling fees, official phone calls, parking fees, and registration fees for conventions, seminars or workshops. Any other expenses will be reimbursed at the discretion of the City Council.

V - EMPLOYMENT

5.01 Types of Employment

There may be several categories of employees as follows:

- A. **Full-time.** This includes employees who work 40 hours or more per week in positions which have been created with the anticipation that it will be necessary to maintain the existence of such positions indefinitely on a continuous year-round basis. This in no way implies that the incumbent can expect continued employment as a "property right". This definition refers to the position only, and not the incumbent employee.

As full-time employees, these workers are subject to all rules and regulations contained in this handbook and receive all fringe benefits as provided by these personnel procedures, including vacation and sick leave.

- B. **Acting.** Normally, this occurs when an existing employee is placed in a higher level position (usually full-time), until an eligible replacement can be hired. Normally, a position of this type would not exceed six months but may be extended if the need occurs. (If acting employees are not existing employees, then, by definition, they are temporary employees.)

Employees in these positions are subject to all the rules and regulations contained in these procedures. Also, since the category of acting position involves existing employees and full-time positions, employees are eligible for all fringe benefits as provided by these personnel procedures, including vacation and sick leave, provided they meet the full-time requirement.

- C. **Substitute.** This includes employees who are hired to temporarily fill existing positions—usually on an intermittent and “as needed” basis. These are essentially the same as temporary employees except that they involve substitutes for existing employees. These positions also may be full-time or part-time, but the substitute employee in the position is a temporary employee. The duration of the position is temporary, and while the duration of this position may vary it will not normally be **in excess of six months**.

As a substitute employee, the worker is subject to all the rules and regulations contained in these procedures. However, a substitute employee **is not eligible** for fringe benefits such as sick leave and vacation leave.

- D. **Part-time.** This includes employees who work less than 40 hours per week.

As part-time employees, these workers are subject to all rules and regulations contained in these procedures. However, a part-time employee **is not eligible** for fringe benefits such as sick leave and vacation leave.

- E. **Temporary.** This includes employees who are working in positions which have been created for a period of six months or less and which shall remain in existence only as long as the temporary work situation requires it.

A temporary position may also be either full-time or part-time.

As temporary employees, these workers are subject to all rules and regulations contained in these policies. However, a temporary employee **is not eligible** for fringe benefits such as sick leave and vacation leave.

- F. **Seasonal.** This includes employees who are working in positions that have been created for a seasonal period, i.e., summer work program, summer recreational program, etc. These positions also may be either full-time or part-time. Duration of the position may vary but normally will not be in excess of six months.

As seasonal employees, these workers are subject to all rules and regulations contained in these procedures. However, a seasonal employee **is not eligible** for fringe benefits such as sick leave and vacation leave.

5.02 Method of Filling Promotional Positions

The City has developed a recruitment plan that does not discriminate on the basis of race, color, sex, religion, national origin, age, mental or physical handicap, or political affiliation.

In general, the City attempts to promote from within, providing that such promotions are consistent with nondiscrimination laws and fair employment practices.

Existing employees desiring to apply for position vacancies that are promotional in nature must complete an application for the position in the same manner as prescribed for all other applicants.

5.03 Minimum Age for Employment

The minimum age for employment of full-time and acting employees shall be eighteen years of age unless otherwise established by State law. The minimum employment of all other categories shall be sixteen years of age. There is no mandatory retirement age.

5.04 Nepotism (Hiring of Relatives)

Two members of an immediate family will not be employed under the same supervisor. Nor will two members of an immediate family be employed at the same time by the City, regardless of the

administrative department, if such employment will result in an employee supervising directly or indirectly, a member of his immediate family. This policy applies to promotions, demotions, transfers, reinstatements, and new employees. The provisions of this section will not be retroactive, in that no action is to be taken concerning those members of the same family employed at the time of the adoption of this section. Immediate family is defined as wife, husband, mother, father, brother, sister, son and daughter.

VI - WORKING TEST

6.01 Working Test Defined

As a final test of employability, the first six months of employment in positions of original appointment, promotion or transfer to other positions which have different qualifications shall be a working test to determine if the employee can be considered as being capable of performing satisfactorily in that position. In cases where a position requires State certification, the employee will remain on working test until certification is obtained even though it may exceed six months.

VII - DISCIPLINE

7.01 Progressive Discipline

Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. City officials advocate progressive discipline when applicable. The action taken will depend on the degree and the circumstances of the violation. An employee who fails to satisfactorily perform assigned duties or who violates established procedures will be disciplined. The officials recognize six degrees of progressive disciplinary actions that fall into two general categories:

- A. Reprimands
 - 1. Oral
 - 2. Written

- B. Adverse Actions
 - 1. Suspension without pay
 - 2. Disciplinary salary reduction
 - 3. Disciplinary demotion
 - 4. Dismissal

As an "at will" employer, the City is not required to give causes of disciplinary action either in these policies nor at the time of the adverse personnel action, nor is the City required to dismiss only for any so-called "just cause." On the other hand, the City Officials feel that effective communications can enhance the efficiency and morale of the organization. Therefore, the following list of possible reasons for disciplinary actions is intended to communicate to the employee several general reasons that are universally accepted as causes in public sector employers. These reasons are neither mutually exclusive nor collectively exhaustive. The appointing authority may discipline for any combination of reasons, for reasons not listed below, or for uncommunicated reasons at any time as long as the employee's constitutional protected liberty interests are not violated.

7.02 Some Causes - Possible Causes of Disciplinary Actions Are:

- 1. Chronic tardiness or absenteeism,
- 2. negligence in performing assigned duties,
- 3. inefficiency in performing assigned duties,
- 4. inability or unfitness to perform assigned duties,
- 5. insubordination,
- 6. misconduct,
- 7. commission of a felony or a crime involving morale turpitude,
- 8. conduct reflecting discredit on the City or department,
- 9. failure to report to work without justifiable cause,

10. political activity that is prohibited by federal, state or local laws, and
11. sexual harassment.

7.03 Drug Free Policy

In addition to the aforementioned and nonexclusive list of possible causes of disciplinary action, the City of Poulan wishes to call to the particular attention of its employees the seriousness with which the City regards the problems of illegal drug abuse in society.

1. No employee may illegally engage in the manufacture, distribution, dispensation, possession, or use of a controlled substance as defined by Georgia or Federal law at any time or place, including while at his workplace. Such unlawful activity will be considered a sufficient ground for serious adverse personnel action, including termination from employment.
2. If an employee is arrested for or convicted of violating any criminal drug statute of any jurisdiction, including a plea of nolo contendere, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee shall notify the City Clerk, in writing, of such arrest or conviction as soon as possible but in no event no more than five calendar days after the arrest or conviction.
3. Failure to comply with any or part of this policy may result in serious personnel action, up to and including possible dismissal from employment. Any questions concerning this policy should be directed immediately to the employee committee of the City Council.
4. Each and every current employee of the City shall be given a copy of this policy and required to acknowledge receipt thereof, which receipt shall become part of such employee's permanent personnel file.
5. It shall be the policy of the City of Poulan to make a good faith effort to continue to maintain a drug-free workplace in all aspects of municipal employment as a condition of the future receipt of any federal contracts or grants. Each Department Head is hereby directed to carry out said policy in accordance with the regulations issued pursuant to the Drug-Free Workplace Act of 1988. If the regulations of said Act and this policy conflict at any time, the regulations of the Drug-Free Workplace Act of 1988 shall control.

7.04 Disciplinary Actions

The six disciplinary actions are defined as follows:

- A. **Reprimands.** A reprimand is a formal means of communicating to the employee a warning, that a problem exists and that it must be corrected. There are two degrees of formality, the oral reprimand and the written reprimand.

1. **Oral Reprimand.** In an oral reprimand, the supervisor should verbally and privately explain to the employee that he or she is being reprimanded and describe the problem and what must be done to correct the problem.
2. **Written Reprimand.** In the written reprimand, the employee should receive a written statement describing the problem and what must be done to correct the problem. The reprimand should also contain a statement describing the probable consequences of not correcting the problem. If the employee is at work, the written statement should be given to the employee during a private interview.

B. Adverse Actions. An adverse action is an action taken for any reason by the appointing authority or designees that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.

1. **Suspension Without Pay.** An employee may be suspended without pay by the appointing authority or his designee. The suspension without pay should not exceed 30 days.
2. **Disciplinary Salary Reduction.** An employee's salary may be reduced from one pay step to a lower step for disciplinary purposes. The salary reduction does not constitute a demotion in pay grade.
3. **Disciplinary Demotion.** An employee may be demoted from one pay grade to a lower grade for disciplinary reasons if a lower position is open and if the employee is qualified to perform the work at the lower position. A disciplinary demotion should include a decrease in salary.
4. **Dismissal.** An employee may be dismissed for disciplinary reasons when all other alternatives have failed to solve the problem or, in the judgment of the appointing authority, dismissal is the only appropriate action.

7.05 Notice of Proposed Adverse Action

The Department Head or Supervisor should give the employee a notification of the proposed adverse action prior to the effective date of the action. (The specific timetable depends on the type adverse action and is outlined in Section 8.08A and 8.08B.) The notice should contain:

1. the effective date of the action and that it is only a proposed action and will become final only if the employee does not respond or if it is later upheld in an appeal process,
2. the charges or reasons for the action, (see Section 8.01 and 8.02),
3. a statement informing the employee that he or she may respond to the Mayor,

4. a warning that a failure to respond to the Mayor or other named official will result in the loss of an opportunity to appeal the adverse action any further and that the proposed action will be implemented as proposed.

7.06 Employee Response to Proposal of Adverse Action

The employee must respond in writing to the Mayor or other official named in the notice within the time period outlined in Sections 7.09A or 7.09B, depending upon the nature of the proposed action.

7.07 Named Official Response to Employee

The Mayor (or other official named in the notice) after considering the employee's response, should arrange for a hearing and notify the employee within the time frames outlined in Section 7.09A or 7.09B, hold the hearing, and notify the employee of the results.

7.08 Postponement of Deadlines

If the employee responds to the Mayor (or other official named in the notice), the Mayor (or other official named in the notice) may postpone the deadline for his response by a specific number of days to conduct further investigation. If his/her deadline for response is postponed, the effective date of the proposed action should be postponed by as many days.

7.09 Procedures for Administering Adverse Actions.

These procedures are divided into two categories: disciplinary action involving dismissal and disciplinary action involving adverse actions other than dismissal.

A. Cases where the discipline involves disciplinary suspension without pay, disciplinary salary reduction or disciplinary demotion.

In these three types of adverse actions, the employee should be notified (15 days prior to the proposed effective date) by the Department Head or Supervisor of the type disciplinary action that is being proposed, the reasons therefor, and the effective date(s) of the action. The notice should include a statement that indicates to the employee that he/she may request a hearing before the Mayor provided that the employee files a written request within five days of receiving his/her notice of adverse action.

The Mayor should then schedule a hearing, within 10 days of receiving the request and so notify the employee. No action should be implemented before the employee receives a hearing before the Mayor, if a hearing is requested.

The employee may bring witnesses and have legal counsel. If witnesses are brought in, the Mayor and/or his designee may cross examine or otherwise question the witnesses.

Under no circumstances, however, should this hearing be allowed to deteriorate to an adversarial hearing. This hearing is designed solely to obtain facts and does not alter the at-will status of the employee or create any property interest in the position of employment with the City.

The Mayor may elect to dismiss, uphold, or modify the proposed adverse action and should notify the employee in writing, within five working days, of his decision.

The notification should also include a statement to the employee that indicates that the employee may appeal the Mayor's decision providing he/she responds in writing to the appointing authority within five days of receipt of the Mayor's notification. If the employee does not respond within five days, he/she waives the possibility of further appeal. If an appeal is requested, the appointing authority should arrange for a hearing and notify the employee of the date.

An impartial attorney or an alternate should serve as hearing officer on behalf of the City Council. The hearing process may be less formal than a court hearing. The hearing officer should compile evidence, prepare findings of facts and conclusions of law, and issue a recommendation to the City Council, which should make the final decision and so notify the employee.

Any hearings or appeals provided to employees should not be interpreted as exercises of judicial power. Such hearings are merely voluntary compliances with forms of judicial procedure and do not in any way change the at-will status of all City employment.

B. Cases where the Disciplinary Action Involves Dismissal.

In this type of adverse action, the employee should be notified by the Department Head/Supervisor that he/she is being suspended with pay pending termination. The notification should contain the reasons for the action and the effective date (which should be 10 days from date of notification or proposed action) and should contain a statement that the employee may request a hearing before the Mayor provided that the employee files a written request within three days of receiving his/her notice of proposed dismissal.

The Mayor should then schedule a hearing within five days of receiving the request and so notify the employee. The employee should not be terminated before the employee receives a hearing before the Mayor, if a hearing is requested. The employee may bring witnesses and may have legal counsel. If witnesses are brought in, the Mayor or his designee may cross examine and otherwise question the witness. Under no circumstances, however, should this hearing be allowed to deteriorate to an adversarial hearing. This hearing is designed solely to obtain facts and does not alter the at-will status of the employee or create any property interest in the position of employment with the City.

The Mayor may elect to dismiss, uphold, or modify the proposed dismissal and should notify the employee in writing within two days of his/her decision.

The notification should also include a statement to the employee which indicates that the employee may appeal the Mayor's decision provided he/she responds in writing to the appointing authority within five days of receipt of the Mayor's notification. If the employee does not respond in five days, he/she waives the possibility of further appeal. If an appeal is requested, the appointing authority should arrange for a hearing and notify the employee of the date.

An impartial attorney or an alternate should serve as hearing officer on behalf of the City Council. The hearing process may be less formal than a court hearing. The hearing officer should compile evidence, prepare findings of facts and conclusions of law, and issue a recommendation to the appointing authority who should make the final decision.

Any hearings or appeals provided to employees should not be interpreted as an exercise of judicial power. Such hearings are merely voluntary compliances with forms of judicial procedure and do not in any way change the at-will status of all City employment.

VIII - GRIEVANCES AND APPEALS NOT INVOLVING ADVERSE ACTIONS

8.01 Purpose

The purpose of the employee grievance procedure is to provide an orderly process for hearing the grievable claims of both regular and working test employees. The object of the process is to reach a fair and equitable decision in a timely manner. The employee and supervisor should make an effort to resolve any grievance informally before initiating a formal procedure.

8.02 Definition

- A. A grievance is a claim initiated by an employee alleging that his or her employment or productivity has been adversely affected by unfair treatment,
- B. unsafe or unhealthy working conditions,
- C. erroneous or capricious application of City policies and procedures, or
- D. unlawful discrimination

8.03 Steps

Normally a grievance procedure will provide for a minimum of two steps. When practical, an attempt will be made to provide at least two steps to a grievance. However, the organizational structure of the City may, as a practical matter, prevent all grievances from receiving two steps. The following represents the order of the maximum grievance levels for employees:

- 1. Supervisor
- 2. Department Head
- 3. Mayor

In cases where a grievable claim is not resolved to the employee's satisfaction at the highest applicable available grievance level and if it is an appealable matter (See Sections 8.05 and 8.06), the employee may request another hearing. Such additional hearing will be conducted by an appointed attorney or alternate hearing officer on behalf of the City Council who may further determine the facts in the case and present his/her findings to the City Council. The City Council may then elect to modify the Mayor's decision or may elect to let the original decision stand. This decision should be final.

8.04 Grievance Filing Process

1. An employee may file a written Grievance with his or her Department Head or Supervisor within 15 days after the occurrence of the event being grieved, or within 15 days after becoming aware of the event. The grievance statement must be submitted to the Department Head/Supervisor in writing, and it should state the specific claim and the specific relief desired.
2. **Scheduling and Notification.** If the claim is determined to be grievable, a hearing by the Department Head should be held within 20 days after the grievance is filed. The hearing officer (Department Head/Supervisor) should notify the employee of his or her decision in writing within 15 days after the initial decision and inform the employee that he/she may request a further hearing, before the Mayor.
3. The employee must, within five days of the decision of the first hearing officer (Department Head/Supervisor), request a grievance consultation with the Mayor.
4. If a second hearing is requested, the Mayor should schedule and notify the employee of the date of the hearing, hold the hearing, and render his decision within 10 days of the date of the hearing. If the decision is not in favor of the employee (and if it is an appealable matter), the notification should include a statement that the employee may be allowed to request a hearing before an impartial attorney or an alternate hearing officer who will represent the City Council. (See Section 8.06).

8.05 Grievance Hearings

1. **First (and Second Level - if available)**

Grievance hearings at these two levels are semi-formal in nature. The hearing officer should listen to the employee's presentation and question the employee to obtain pertinent facts about the claim and the situation relevant to the claim. The employee may represent himself/herself but may bring witnesses to the hearing to testify. Both the employee and the hearing officer may question the witnesses. (These are information sessions and under no circumstances should they be allowed to become adversarial in nature).

2. **Appeal Hearing by the Impartial Attorney (or alternate hearing officer) on behalf of the City Council**

If a hearing before an attorney or alternate hearing officer is held on appealable grievances, both the employee and the City Council may represent themselves or may choose to have an attorney. The hearing officer should compile evidence,

prepare findings of fact, conclusions of law, and issue a recommendation to the City Council whose decision will be final.

3. Any hearings or appeals provided to employees should not be interpreted as an exercise of judicial power. They are merely voluntary compliance with forms of judicial process.

8.06 Non-Grievable Areas

The following areas are not grievable:

- A. Issues which are pending, or have been concluded by other administrative or judicial procedures.
- B. Work assignments which do not result in a demotion or salary reduction.
- C. Budget allocations and expenditures, and organizational structure, including the persons or number of persons assigned to particular jobs or units.
- D. The content or rating of a performance appraisal except when the employee can show that he or she has been adversely affected by the appraisal.
- E. The selection of an individual by the appointing authority or designee to fill a position through appointment, promotion, or transfer except when the employee can show that he or she has been adversely affected because of unlawful discrimination.
- F. Any matter which is not within the jurisdiction or control of the appointing authority.
- G. Internal security practices established by the appointing authority.
- H. Decisions, policies, practices, resolutions, or ordinances made or passed by the governing authority or the appointing authority which are not job or work related and which do not contradict these policies.
- I. Disciplinary actions other than reprimands.

8.07 Appeals

As stated in Section VII, an employee may appeal an adverse action. Additionally, employees may appeal certain other personnel actions that adversely affect an employee provided that the claim must be grieved before it is appealed. These include:

1. unlawful discrimination against an employee,

2. unlawful or unjust coercion or reprisal, and
3. other unlawful or unjust practices that adversely affect an employee.

Any appeals or hearings provided to employees should not be interpreted as an exercise of judicial power. Such hearings are merely voluntary compliances with forms of judicial procedures.

IX - HOLIDAYS

9.01 Holidays Allowed

The following are the official holidays that will be observed by eligible employees:

1. New Year's Day
2. Martin Luther King Day
3. Memorial Day
4. Labor Day
5. Independence Day
6. Thanksgiving Day
7. Friday after Thanksgiving
8. Christmas Eve
9. Christmas Day

9.02 Observation of Holidays

Employees may be required to work during the above holidays. Those employees who are required to work on these holidays will receive double time or may elect to take an equivalent amount of time off at another time as determined by the employee and the Mayor.

Employees not working on a holiday will receive straight time for the holiday.

If a holiday falls on a Saturday, it will generally be observed on the preceding Friday. If a holiday falls on Sunday, it will generally be observed on the following Monday. Employees absent unexcused the working day before or after the holiday will not be eligible for holiday pay.

X - WORK HOURS, OVERTIME AND COMPENSATORY TIME

10.01 Work hours

Because of differences in job requirements, the required work hours or work period may vary from job to job and department to department.

10.02 Overtime

Non-exempt employees whose work period is one week will be paid at the rate of one and one-half the normal rate for all hours worked over 40 hours per week. Public safety departments will establish work periods and overtime policies separately as a part of the departmental operating policies. Exempt employees will receive their normal salaries for any work period.

10.03 Compensatory Time

Compensatory time for overtime hours may be given in lieu of overtime. The appointing authority will determine the jobs that will receive compensatory time and the method of administering compensatory time.

10.04 Time Sheets

Employees are required to keep accurate time sheets on forms provided by the appointing authority in accordance with FLSA requirements.

XI - LEAVE

11.01 Types of Leave

The City recognizes five types of leave that are available to employees. They are: annual leave, sick leave, military leave, court leave, and leave of absence.

11.02 Annual Leave

Annual leave is leave that is earned to be used for vacations, personal business activities, and other personal activities.

A. **Eligibility.** All full-time employees and acting full-time employees will be eligible. Part-time, seasonal, substitute, and temporary workers are not eligible.

B. **Method of Earning Annual Leave.**

1. Eligible employees with zero to five years of continuous service may earn annual leave at the rate of 3.33 hours per month.
2. Eligible employees with five to 10 years of continuous service may earn annual leave at the rate of 6.66 hours per month.
3. Eligible employees with over 10 years of continuous service may earn annual leave at the rate of 6.66 hours per month plus .66 hours for each additional year over 10 years not to exceed 15 days (120 hours).

C. **Accumulating Annual Leave.**

Eligible employees may accumulate leave as follows:

Regardless of length of service, employees may accumulate up to 240 hours plus, for those employees with over 10 years' service, an additional eight hours for each year, not to exceed an additional 120 hours and a total of 360 hours.

Unused amounts in excess of the above will be forfeited. Computations will be made on a monthly basis.

D. **Method of Taking Annual Leave.**

Vacation leave may be taken incrementally as earned or continuously, but the taking of annual leave is subject to Department Head scheduling and approval regardless of the

employees length of service. A new eligible employee may take as much leave as he/she has earned provided he/she has Department Head approval.

E. Terminal Annual Leave.

1. Eligible employees with the City will be paid for the amount of vacation leave accumulated up to the amounts reflected in 11.02C.
2. If an employee dies while in the City service, his/her beneficiary will be paid terminal leave based on the criteria outlined in Section 11.02C.

F. Other Annual Leave Factors.

1. Cash payment will not be paid in lieu annual leave except at termination, not to exceed 240 hours.
2. Employees will not be granted annual leave in excess of that accumulated.
3. Requests for annual leave will be on the form provided by the Mayor with Department Head approval prior to the effective day of annual leave.

11.03 Sick Leave

Sick leave is leave accumulated to be taken for bona fide illness and injury and other medical related necessities such as physician appointments, medical examinations, dental appointments and funerals in the immediate family. Sick leave is available for the employee's personal health care as well as for the care of members of the immediate family.

- A. **Eligibility.** All full-time and acting full-time employees are eligible. Temporary, seasonal, part-time, and substitute employees are not eligible for sick leave.
- B. **Method of Earning Sick Leave.** Eligible employees, regardless of length of service, may earn sick leave at the rate of 3.33 hours per month.
- C. **Accumulating Sick Leave.** Eligible employees, regardless of length of service may accumulate sick leave up to 720 hours.
- D. **Reporting.** The employee should report any sick leave absence prior to his or her scheduled work time, if possible, and if not, the employee should see that his/her absence is reported within one hour after the scheduled time for the employee to being work.
- E. **Approval.** Sick leave requires the approval of the Mayor or his/her designee.

- F. **Physicians Certificate.** A medical statement signed by a licensed physician may be required to substantiate sick leave:
1. for absences of three or more consecutive work days.
 2. to support a request for sick leave during annual leave.
 3. at any time when absence recurs frequently or habitually, provided the employee is forewarned.
- G. **Advance of Sick Leave.** The appointing authority may advance sick leave to eligible employees. All accumulated annual leave shall have been used before the employee is eligible for consideration for advance sick leave. If an employee is indebted for unearned paid sick leave at the time of termination of service, the amount due will be deducted from his/her termination pay.
- H. **Sick Leave on Termination of Employment.** Accrued sick leave is forfeited on termination of employment. There will be no payment of accumulated sick leave.

11.04 **Military Leave** (Also see 11.06A)

Georgia law requires that paid leave be granted to members of the Reserve and National Guard under certain conditions.

- A. **Ordered Duty.** In compliance with Georgia Code § 38-2-279, any employee ordered to military duty shall be placed on military leave with pay for a period of time not exceeding a total of 18 days in any one calendar year and not exceeding 18 days in any one continuous period of absence.
- B. **Declared Emergency.** According to Georgia Code § 38-2-279, in the event the Governor declares an emergency and orders any employee to State active duty as a member of the National Guard, the employee shall receive pay for a period not exceeding 30 days in any one calendar year and not exceeding 30 days in any one continuous period of active duty service.

11.05 **Court Leave**

An employee performing jury duty will be granted leave with pay. The employee will be permitted to retain all fees and allowances as well as retaining full City pay provided they are in fact selected for jury duty and submit written documentation of such service. An employee called for jury duty but not actually selected to serve on a jury will be expected to return to work that day, and any employee who does not actually serve on a jury and does not return to work shall reimburse the City for any City pay they received during Court Leave.

11.06 Leave of Absence

- A. **For Military Purposes.** According to Georgia Code § 38-2-279, any voluntary member of the Reserve or National Guard shall be entitled to absent himself and shall be deemed to have a leave of absence as any employee while in attendance at any service school conducted by the Armed Forces of the United States for a period up to six months during any four-year period.
- B. **For Temporary Disability and Other Reasons.** A disabled employee may exhaust all accrued sick and annual leave. When paid leave is exhausted, the employee may be placed on leave of absence, depending on the duration and the need to fill the position. A doctor's statement will be requested to determine the length of leave necessary. Maternity and other temporarily disabling conditions associated with pregnancy will be treated as any other disability.
- C. **Benefits During Leave of Absence.** A leave of absence prevents a break in service, but no benefits such as leave or time toward retirement shall accrue during leave of absence.

11.07 Family and Medical Leave

Federal law requires that employees be permitted to take unpaid leave to care for the illness of themselves or a close family member under certain circumstances.

- A. **Eligibility.** Employees of the City of Poulan who have been employed for 12 months or more and who worked at least 1250 hours during that time are entitled to 12 weeks of unpaid leave per year in connection with:
 - (1) the birth and first year care of a child;
 - (2) the adoption or foster parent placement of a child;
 - (3) the illness of an employee's spouse, child, or parent with respect to a serious health condition, defined as one that requires in patient care in a hospital, hospice, or residential medical care facility, or which requires continuing treatment by a health care provider; or
 - (4) the employee's own illness.

In the instance of birth, adoption, and foster placement, the entitlement for child-care ends: (1) after the child reaches the age of 1 year or (2) 12 months after the adoption or placement.

Entitlement for leave associated with the illness of a child occurs only where the child is under 18 years of age or incapable of self-care due to mental or physical disability.

- B. **Amount of Leave Available.** In cases where both spouses are employed by the City of Poulan, the combined amount of leave for child birth, adoption, and family illness is limited to 12 weeks.
- C. **Notification of Anticipated Leave.** Except where circumstances are such that reasonable advance planning is not possible, employees must provide the City Clerk at least 30 days' notice of the date when leave is to begin. With respect to foreseeable family or employee illness, the employee shall make a reasonable effort to schedule treatment, including intermittent and reduced hour leave, so as not to disrupt unduly the operations of the City, subject to approval of the employee's or family member's health care provider.
- D. **Benefits.** Benefits accrued by the employee before leave is taken will not be altered by the employee's absence under this policy. The employee is entitled to continuation of any health benefits, if such benefits are available, during the leave period. Upon return, the employee is entitled to be restored to an equivalent position with equivalent pay, benefits, and conditions of employment.
- E. **Required Certification.** The City of Poulan requires that a request for leave be supported by a certification issued by the appropriate health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee.

The certification shall include: (1) the date that the condition commenced, (2) the duration, (3) the necessity for the employee's leave, and (4) the employee's inability to perform his/her job functions. The City of Poulan reserves the right, at its own expense, to designate a second health care provider to provide a second opinion. A third such opinion, should it be necessary, shall be binding.

Upon the employee's return to work, the City may require the employee to provide certification by his or her health care provider that the employee is able to resume work.

- F. **Special Provisions.** The City Clerk shall make, keep, and preserve records showing compliance with the Family and Medical Leave Act.

XII - WORKER'S COMPENSATION PROCEDURES

12.01 Non-emergency Occupational; Accidents or Disease

- A. Must be reported to Department Head within 24 hours.
- B. Department Head investigates accident and fills out report of injury or disease in full detail and forwards immediately to the Mayor's office.
- C. If medical attention of physician is needed, the Mayor's Office makes appointment for employee with physician of his choice, selected from the three physicians appointed by the City for Worker's Compensation Treatment.
- D. Employee is given form CT-555-Treatment Authorization to submit to doctor's office at the time of first treatment.
- E. Employee returns CT-55-Treatment Authorization to Department immediately after treatment is received.
- F. Department Head forwards copies of complete CT-555-Treatment Authorization to Mayor's Office.
- G. Department Head should direct any problem or questions concerning claim to Mayor's Office for discussion.
- H. Mayor's Office must be informed of the date employee returns to work.

12.02 Emergency Accidents

- A. If a work-related accident occurs that requires immediate emergency treatment, the supervisor should be notified immediately and treatment received at the emergency room.
- B. After treatment is received, the Report of Occupational Injury or Disease should be filled out in detail and submitted to the Mayor's Office.
- C. Subsequent treatment must be directed to one of the City Worker's Compensation Insurance physicians unless the injury requires specialized treatment and the emergency doctor refers the employee to a physician who specializes in the type injury incurred.

NOTE: If a non-emergency Occupational Disease or Accident should occur at night or on weekends that requires medical attention before regular office hours, procedures for emergency accidents should be followed.

XIII - NON-DISCIPLINARY DEMOTIONS

13.01 Non-Disciplinary Demotions

Employees may request that they be demoted to open positions at lower pay grades if they are qualified for the position. If such a request is granted, the employee's salary will be reduced to an appropriate step within the pay grade of the new job.

XIV - TRANSFERS

14.01 **Initiation and Authority for Transfers**

The appointing authority may initiate a transfer or an employee may request a transfer.

- A. If a position is open at an equivalent pay grade, an employee may request transfer to that position. If the knowledge, skills and abilities required for that job are not the same as for the present job, the employee will be tested and interviewed for the new position and will be on working test for the new job if transferred. The discretion to grant a transfer, if requested, rests with the appointing authorities.

- B. The appointing authority may transfer an employee to any position, at any pay grade, if the employee is qualified to do the work and if the salary is not changed. A temporary transfer to a higher position may be made for up to 90 days without giving a salary increase.

XV - JOB ABANDONMENT

15.01 Job Abandonment

Employees who are absent from work for three or more consecutive days without having received leave approval or without having called in to report the absence will be considered as having voluntarily abandoned their jobs. The separation will not be in good standing and may affect the opportunities for re-employment.

XVI - REDUCTION IN FORCE

16.01 Reduction in Work Force

A reduction in force may be necessary when a position or group of positions must be closed because of lack of work or lack of funds. Employees who are separated in reduction-in-force may, at the discretion of the appointing authority, receive preference in rehiring should a position for which they are qualified open within that year.

XVII - PROMOTIONS

17.01 Promotional Goals

Promotional vacancies may be filled with applicants external to the City work force at the discretion of the appointing authority. Normally, however, an attempt will be made to fill the vacancy from within if there is a qualified applicant already working with the City and such action would not be in conflict with the City's anti-discrimination or unfair employment practices.

17.02 Effect of a Promotion

If a formal job classification plan is in effect, a promoted employee will be placed in the step in his new job class that the appointing authority deems appropriate under the circumstances. If no formal plan is in effect, the employee will be paid a salary deemed appropriate by the appointing authority.

17.03 Relationship of Promotions to Performance Pay Increases

If the City, at the time of promotion, has a system for performance pay in effect, the promotion will not interfere with the employee's consideration for a performance pay increase at the next scheduled performance evaluation date.

17.04 Effective Date

The effective date of any promotion, for compensation purposes, will be the first day of the next pay period following the date the appointing authority approves the promotion.

XVIII - RESIGNATION

18.01 Resignation Defined

Resignation is the separation of an employee from the City through the submittal of a notice that he wishes to resign.

18.02 Resignation in Good Standing

Employees are expected to provide a minimum of two weeks notice in order to resign in good standing. This may be in written form or given verbally. Failure to provide such notice may adversely affect the employee's chances to re-employment with the City, should a re-employment application be submitted at a later date.

18.03 Refusal to Accept Resignation

Under certain circumstances, the appointing authority may choose not to accept an employee's resignation and may instead choose to dismiss the employee.

XIX - EMPLOYEE DEVELOPMENT

19.01 In-Service Training

The City is interested in promoting in-service training of employees for the purpose of improving, the quality of personal service rendered to the City and to assist employees to equip themselves for advancement in the City. The appointing authority may establish standards for training programs; see that training is carried out as approved; prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs; and develop supervisory and management training and other types of training programs common to all departments.

19.02 Individual Training

To encourage self improvement of each employee, the appointing authority may pay the following to encourage such training. Factors considered in deciding whether the training will be offered may include the degree of job relatedness, cost, and, in general, the work of the training to the City.

- A. Tuition.
- B. Books, supplies, board and other necessary expenses, such as food, transportation, and incidentals.
- C. If an employee fails to complete a course, the City shall be paid by the employee an amount equal to what was spent by the City for such training. All such training, must be job related and if the training is expensive, as determined by the appointing authorities, the employee must sign a statement committing himself to remain in the employment of the City for two years after completion of training course. If employee leaves the City service prior to the completion of the agreed two years of City service, repayment to the City will be on a prorated basis.

XX - UNIFORMS AND EQUIPMENT

Uniforms for employees, as the appointing authority may authorize, may be furnished by the City. Such other equipment as the appointing authority may deem essential to job performance may also be furnished. Upon termination of employment, an employee is expected to return all such equipment and uniforms to his/her supervisor.

XXI - OUTSIDE EMPLOYMENT

All City employees must receive permission from the appointing authority before accepting outside employment.

XXII - GARNISHMENTS

Employee indebtedness is a personal concern of the employee, but multiple garnishments of an employee's salary creates administrative difficulties that may lead to disciplinary action.

XXIII - ABUSE AND MISUSE OF EQUIPMENT AND SUPPLIES

Employees are entrusted with the use of public equipment and supplies. The abuse or misuse of City equipment and supplies can lead to appropriate disciplinary action. Although there are other misuses or abuses, the use of City vehicles for personal use is considered to be significant misuse or abuse.

XXIV - CONFLICTS OF INTEREST

No employee should accept gifts or gratuities from anyone who might expect to receive return favors from the City. Neither shall an employee have any financial interests in the profits of any contract service or other work performed by the City, nor shall he/she personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company, nor shall he/she personally or as an agent provide any surety, bail, or bond required by law or by the appointing authority.

XXV - POLITICAL ACTIVITIES

City employees may not use their position or City time for political purposes. Employees may express their political opinions privately, and the City encourages employees to vote for candidates of their choice.

XXVI - SECURITY CLEARANCES

In employment areas such as public safety and finance where the public has a compelling interest in the security of property and life, applicants for employment, promotion, and transfer may be asked to supply personal information that would not be needed in other employment areas.

XXVII - OFFICIAL COPY

The official copy of these *Personnel Policies and Procedures for the City of Poulan, Georgia* will be attested by and placed upon file in the City Clerk's Office.

XXVIII - EMPLOYEE COPY

Each employee will be expected to sign a statement that they have received a copy of these procedures or handbook.

APPENDIX
(Definitions)

Adverse Action - An action taken that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion or disciplinary dismissal.

Adverse Affect - The results of an action or decision that is not an adverse action but which deprives the employee of income or the opportunity to earn more income.

Appointing Authority - The person who has, among other authorities, the authority to appoint and discharge all employees. The City Council is the appointing authority for the City. However, the City Council has designated the Mayor to administer these policies.

City Council - The governing authority and financial authority of the City.

The Impartial Attorney - The attorney who may be retained by the City to conduct hearings.

Days - When the work "days" is used as a method of counting, it means calendar days unless stated otherwise.

Department - This term refers to the different departments under the Mayor.

Designee - The person or persons to whom the appointing authority delegates certain authorities for the administration of their offices. The Mayor is hereby designated to administer these policies.

Handicapped - Any person who has a physical or mental impairment that substantially limits one or more major life activities, who has a record or such an impairment, or who is regarded as having such an impairment.

Should - This word denotes a condition that is desirable but not mandatory.

Unlawful Discrimination - Employment practices which are prohibited by State and Federal laws and which include discrimination because of race, color, sex, religion, national origin, age, mental or physical handicap, and political affiliation.

Working Test - A period of time during which a new employee or an employee who has been transferred or promoted to a higher position is being tested on job capability and performance.

EMPLOYEE CONSENT AND NOTICE

**ALCOHOL AND CONTROLLED SUBSTANCE TESTING UPON REASONABLE
SUSPICION THAT A VIOLATION OF THE ALCOHOL AND
CONTROLLED SUBSTANCE POLICY HAS OCCURRED**

It is the opinion of the City that there is reasonable suspicion to believe that you have been involved in a violation of the Alcohol and Controlled Substance Policy of the City. As provided in that policy, you are required to submit to an alcohol and controlled substance screening test. In order to retain your position as a City employee, you must successfully pass this screening test or at the City's discretion, participate in a rehabilitation program.

By signing this form, you are acknowledging that you consent to such a screening test, that you consent to the release of test results to your supervisors, and that you understand that such a screening test is part of the City's Alcohol and Controlled Substance Policy.

You will not be admitting that you have violated the Alcohol and Controlled Substance Policy by signing this form.

Date: _____

Signature

Print Name

Social Security Number

Witnessed by Authorized
City Employee:
